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Niobuhr

# AN EPITOME

OF

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## NIEBUHR'S HISTORY OF ROME,

WITH CHRONOLOGICAL TABLES  
AND AN APPENDIX,

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Καί ποῦ τι καὶ βροτῶν φρένας

Ἵπὲρ τὸν ἀληθῆ λόγον

Δεδαιδαλμένοι ψεύδεσι ποικίλοις

Ἐξαπατῶντι μῦθοι. Pindar. Olymp. I.



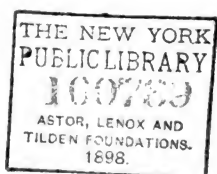
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D. A. TALBOYS.

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## P R E F A C E.

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The present treatise has not been presented to the public without some apprehension on the part of the author, that those who are well acquainted with Niebuhr's History, will think him guilty of presumption in attempting to epitomise a work, which is calculated much rather for expansion than compression. Those persons, however, who are unacquainted with the original work, and are deterred from commencing it, either by the novelty of the method adopted by Niebuhr in treating the subject, or by the short space of time which they can devote to the study of it, may perhaps find this epitome not without its use. On the one hand, it may suggest new motives, by awakening their curiosity, and may thus overcome their reluctance to view, through a different medium from that to which they have been accustomed, a probable picture of the early state of things at Rome; whilst, on the other, it will present, after the manner of a camera lucida, a reduced field of view, the chief objects of which they will be enabled to embrace in the hurried glance which alone they are able to bestow upon it.

Those, again, who have already studied the work in its full proportions, may still, it is hoped, not consider this treatise unacceptable, as they may thus be enabled to bring the facts in closer review before them, and to form perhaps a more correct estimate of the mass of evidence which Niebuhr has concentrated, in defence of the new positions which he has occupied. With this latter object, the author has endeavoured to retain, as far as was consistent with his plan, the identical expressions which are found in the able translation of the original work by Mr. Hare and Mr. Thirlwall; in order that the landmarks may not be difficult of recognition for those who may be anxious to trace more closely the consecutive steps in Niebuhr's researches.

The young student in history may have found, in the original work, that his own stock of historical knowledge is scarcely adequate to the demands which a mind like Niebuhr's is continually making upon it. This difficulty has been obviated, to a certain extent, in the present epitome, inasmuch, as wherever the allusion to events in modern history were introduced by Niebuhr, merely as illustrative of an argument already established, and therefore not necessary as links in the chain of his reasoning, they have been altogether omitted, or but slightly noticed. With regard to the views which Niebuhr has formed of the general history, and of the development of the constitution of Rome, the student must determine for himself the degree of weight in their favour: there is at least a consistency and harmony in them, which may be sought for in vain in the received and popular accounts.

An objection has been raised against the name of History as applied to such a work; and there are some who would fain have it called a Dissertation on the early Roman Historians. This verbal difficulty might have some weight, if a history is to be considered as a mere narrative of events, no matter whether they be true or false, probable or improbable: but the character of a historian is essentially different from that of a narrator. The single excellence of the latter is style; but the qualifications for the former are peculiar and distinct. A conscientious research after truth, a correctness of judgement, profound and extensive views, and intelligent deductions, must distinguish him who would undertake the high office of a historian. The characteristics of Livy and Dionysius were far different. The former wished to give relief to his imagination; the latter has almost the appearance of narrating for narration's sake. Neither of these writers troubled themselves about the moral result of their narratives, or the purity of the sources from which they drew their statements. Fabulous traditions, and romantic legends, the fabrications of annalists, and the fictions of poets, are promiscuously assembled and confounded by them with facts the most important and most authentic. One might almost suppose that their object was merely to collect together materials of every kind, and from every quarter; and to leave to some future writer the task of selection, and the glory of constructing with the sounder parts a history, the edifice of which might not more attract our admiration than the foundations on which it rests. Had Niebuhr lived to complete his design, we might have received this boon from his hands. At present we have only the fragment

of a great work. It is, however, a most valuable fragment, as it comprises that portion of the early history of the city, which is most involved in mystery, and has suffered most from misrepresentation.

A chronological table has been prefixed, founded on the data that Niebuhr adopts, and which may be of service in facilitating a comparison of occurrences at Rome, with contemporary events in Sicily and Greece. This table is in some degree necessary, as there are several discrepancies in the general chronology of Niebuhr and that which Mr. Clinton has adopted in the *Fasti Hellenici*, particularly as regards the affairs of Sicily and Magna Græcia.

In the Appendix a few observations have been annexed on those statements of Niebuhr which have been most severely controverted. In one or two cases, when such an attempt has been justified by the nature of the subject, some conjectural explanations have been hazarded, in the hope that they may throw some light, however feeble, on several interesting points in history which are still enveloped in deep obscurity.

UNIVERSITY COLLEGE, OXFORD,

JANUARY 10, 1836.

## INTRODUCTION.

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The admirers of the story of Rome, as narrated in the pages of Livy, have frequently demanded with indignation upon what grounds Niebuhr pretends to destroy the credit of that colossal masterwork, and to rear an ideal fabric of his own creation in its stead. It is without doubt painful to us all to be awakened from the day-dreams of our boyhood, and to find that the glorious scenes, in which our youthful fancies have been cradled, are but baseless visions. Yet there must have occurred to all moments of doubt as to the reality of the pageant which has passed in array before us. Beaufort was the first to tear away the veil from the history of Rome, by his work on the uncertainty of that history during the first five hundred years, in which he has shown, with abundant acuteness, the utter want of trustworthiness in the testimonies of Livy and Dionysius. The history of that period as a whole is represented by him as wearing the semblance of the mirage, in which, to the traveller in the distance, there are visibly depicted the outlines of buildings and the expanse of waters; but as he approaches more nearly, and as his gaze becomes more fixed and distinct, the vision melts away into thin air; whilst the brilliancy of those bright spots in the story of Livy, which alone, had the rest of his narrative been less vivid, would have compensated for the toil of travelling onward to them, is shown by him to be unsubstantial as that of the golden apples of Eastern fable, which, when touched, crumble into ashes. It was enough for one mind to have achieved so much: nay, the habit of analysis, which must have been acquired in the process of investigation, probably unfitted it for framing a new history out of the ruins of the old. This task was re-

served for Niebuhr. Availing himself of the labours of his predecessors, endowed with equal critical acumen and greater powers of combination, he has endeavoured to vivify the notices of truth which have survived, and by the most fortunate coincidence, new and rich sources of knowledge have been opened to him during the process of his inquiry, by which he has been enabled to disperse the mist in many places, where hitherto it had been impervious. As the design of an epitome is rather to present the results, than to trace the steps by which those results have been arrived at, and from its narrow limits necessarily precludes a reference to the various authorities that are from time to time appealed to, it may not be quite useless to review briefly the materials of which Niebuhr has availed himself. We will first, then, survey the old sources of Roman history, with the opinions entertained by him of the value of each, and then proceed to the agreeable task of examining the important additions to our knowledge, which have been made during the present century.

Livy, the most elegant and amusing of the Roman historians, had in view rather the beauty than the truth of his story. Writing under the immediate patronage of Augustus, and misled by an identity of names to see in the present but the mirror of the past, he was neither prompted by his object, nor led by his inclination, to examine the value of the sources from which he derived his information. His narrative of the times of the kings was taken chiefly from Ennius, who had recast the ancient epical lays into hexameters. His subsequent history was chiefly built upon the authority of the later annalists, the contents of whose works he moulded into an uniform mass, without regard to their origin, and without inquiry as to their authenticity. Niebuhr, although he considers Livy's narrative as in the main poetical, does not reject his statements entirely, but admits them, wherever, after a careful ex-

amination of their internal character, and a comparison of them with other accounts, he is satisfied of their probable credibility.

Dionysius of Halicarnassus, the contemporary of Livy, is chiefly remarkable for the air of circumstantiality with which his narrative is spun out. His chief value arises from his carefulness and accuracy in nomenclature; but his total inability to conceive the idea of more than one public assembly in a state, has rendered his notions of the early Roman constitution vague and confused. His history is broken off with the eleventh book, about the year 311 U. C., immediately after the establishment of the military consular tribunate. His information was drawn principally from the annalists whom Livy followed.

Polybius, who in point of time preceded the two historians already mentioned, bears an authority of a somewhat higher stamp, as he referred to many original documents which they neglected, and derived much of his information from the books of the pontiffs. His importance as a historian was not much recognised in the time of Livy, who does not make use of him till the second Punic war. Cicero, however, judged differently from the writers of the Augustan age.

Diodorus Siculus, the next in time to Polybius, possesses some importance owing to the sources from which he drew his statements, rather than the manner in which he availed himself of them. He chiefly followed Timæus throughout his work, and occasionally made use of Fabius: the heedlessness, however, displayed in his narrative, and his recklessness in chronological matters, have brought upon his early history of Rome a contemptuous neglect, which has been carried to a degree somewhat greater than it deserves.

Plutarch, who flourished after the time of Livy and Dionysius, was an amiable but very superficial and heedless writer, and is, on the whole, an author little to be trusted. His credulity was very great. He

generally transcribed Dionysius, but did not scruple to add whatever else he could scrape together from other quarters.

Appian has compiled his first three books entirely from Dionysius: he has likewise followed Posidonius in his account of the troubles in the time of the Gracchi, and has also drawn from Polybius. His character is, on the whole, that of a valuable historian: his fault is that he did not take the trouble of seeking information in more books than one at the same time.

Dion Cassius, whose account has been chiefly preserved in Zonaras, a slovenly Byzantine historian, was an accurate and most valuable writer. His independence of judgement indisposed him to submit to the thralldom which Livy and Dionysius had imposed on Roman literature, and he returned to the genuine form of the old tradition in Fabius. The sources of which he availed himself were most authentic, and his value is great on the subject of constitutional history, which formed the main object of his work.

It was not, however, merely by a more critical and careful examination of the accounts of these authors, from which all modern writers of Roman history have derived their information, that Niebuhr was enabled to separate the pure metal from the dross, but the age in which he lived seemed to be peculiarly called to this inquiry by the discovery of no less than five new sources, which had hitherto been inaccessible.

The first of these is a treatise of Lydus, *de Magistratibus*, discovered in the library of a Turkish villa on the banks of the Bosphorus by M. de Villoison, who was attached to the embassy of M. de Choiseul at the Ottoman Porte. This discovery was made as early as 1784, but various circumstances prevented the publication of the work till the year 1812. Its chief importance arises from the extracts which it contains from Gaius, who had prefixed a history of

the Roman magistrates to his books on the XII. Tables, copied principally from the invaluable work on the history of the constitution by Junius Gracchanus.

The next discovery was that of some fragments of the lost nine books of Dionysius in the Ambrosian library at Milan, by the Abbate Mai in 1816. The history comprised in these extends from U. C. 315 to the conclusion of the Samnite war, U. C. 485.

About the same time a remarkable discovery was made at Rome. The greater portion of the consular and triumphal Fasti, commonly known by the name of the Capitoline Tables, had been discovered accidentally during some excavations in the forum in the year 1546, and their preservation was due to the care of Cardinal Alessandro Farnese. Several other small fragments, which had come to light, having been united with them, they were fixed up in the Capitol, and hence derived their name. In the year 1563 a fragment of the triumphal Fasti was found at the foot of the Esquiline hill, and it was then supposed that all which remained had been brought to light. But in the year 1816 the duchess of Devonshire obtained permission to commence some excavations near the three columns which are commonly assigned to the temple of Jupiter Stator, but according to Borghesi belong to that of Castor and Pollux, near the site which had been worked in the time of Farnese; when a fragment of marble was discovered, which was recognised as the corresponding part to that last found near the Esquiline. Some other broken pieces of the consular Fasti were turned up, and one more of the triumphal. These proved to be the remains of eighty-one lines; which, however, were not in continued sequence, but fortunately several of them fitted and exactly corresponded with the fractured portions of the tables already in the Capitol. These Fasti are supposed by Borghesi to have been fixed up to public gaze in the porticoes of the temple of Castor, which

was burnt down in the reign of Augustus, and not rebuilt till the accession of Tiberius. Owing to this circumstance, if his theory is correct, this building was lying in ruins, at the time when Livy and Dionysius wrote their histories, and they could not have had full access to these tables. From the different style of sculpture observable in them they are supposed not to have been all engraved at one and the same time. The fact, however, of the names of M. Antonius, both the triumvir and the orator, having been every where erased and reinserted, intimates that those names must have been originally inserted before the decree of the senate, alluded to by Plutarch in his life of Cicero, and also by Dion Cassius; by which all memorials of Antony were ordered to be destroyed, and it was forbidden that any of the family should use the *prænomen* of Marcus. If we suppose that this decree was the cause of the erasure of the name of the triumvir, we may account for that of the orator having shared the same fate, either from his bearing the name of Marcus, or from the workman having executed his orders without due discrimination. The reinsertion of the two names most probably took place in the reign of Claudius. By the above fact, according to Borghesi, the date of all the names which precede that of Antonius is determined to be antecedent to the year 724 U. C., a date earlier than the time when Dionysius and Livy flourished. The two great lacunæ in the Tables, which these new fragments serve to fill up, are that from U. C. 294 to 305, a period of great importance from the establishment of the decemvirate, and that from 350, when the consular tribunes were increased to six in number, to 356, an interval of no less interest from the admission of plebeians to the consular tribunate. They are thus of great service in determining several points of discrepancy between Livy and Diodorus, and in correcting some important misstatements of Livy himself.

In the same year, 1816, Niebuhr, on his way to the Papal court, where he had been appointed Minister by the king of Prussia, discovered in the Chapter library at Verona a manuscript containing the greater part of the lost Institutes of Gaius. Niebuhr himself transcribed some part of these, and upon his report of their value, and its confirmation by Savigny, the Prussian court despatched from Berlin, Göschen and Bekker, two of the most eminent philologers in that university, to complete what Niebuhr had not sufficient time to accomplish. The result of their labours was laid before the public in 1820.

The last publication was that of the Republic of Cicero by Angelo Mai in 1822, which he had discovered in a palimpsest manuscript, in the Vatican library at Rome, which contained likewise a commentary of Augustine and some tracts on the Psalms. The value of this work arises from its having mainly followed Polybius, particularly in the chronology of the Roman kings. It contributes to throw great light on the changes effected by the constitution of Servius, as well as by the legislation of the decemvirs.

Such, then, are the authorities on which Niebuhr has relied in leaving the beaten track pursued by previous writers. With regard to the chronology which he adopts, he in this point stands almost alone, as he prefers that of Fabius, who fixes the foundation of the city in B. C. 746, to either of the systems of Cato or of Varro, one of which is generally followed. He has been induced to do this by the strong internal evidence of error in both of those systems, and by that of Fabius not only being more consistent, as regards the history of Rome itself, but deriving additional confirmation from a comparison of Roman and Grecian chronology, as far as materials for such an argument are supplied by Roman history.



## CHRONOLOGICAL TABLES.

The year 746 B. C. corresponds in MR. CLINTON'S *Fasti Hellenici* to Olymp. 8. 3, as the Olympiad there commences in the middle of the current year; whereas in these tables the current year B. C. commences in the middle of an Olympiad. This will explain the apparent difference between the calculations of these tables and the *Fasti*.

OL.	U. C.	B. C.	ROMAN CHRONOLOGY.
			<i>The first secle, seventy-seven years, purely poetical.</i>
8.2 July.	1 April.	746 Jan.	<i>Romulus, thirty-seven years.</i> Rome founded on the 21st of April. 'The Palilia.' Senate 100. <i>Comitia Curiata</i> . Junction with the Sabine inhabitants of Quirium. The senate 200. Union with the Luceres, on terms of dependence. Three tribes of the 'Populus;' Ramnes, Tities, Luceres. Thirty curiæ.
17.3 .4	38 39	709 708	Interreign. <i>Numa Pompilius, 39 years.</i> Agrarian institutions. Ritual law.
			<i>Mythico-historical period until the war with Pyrrhus, Ol. 124. 4, when contemporary history commences.</i>
27.3	77	669	<i>Tullus Hostilius, 32 years.</i> Alba destroyed.
35.3	109	637	<i>Ancus Marcius, 23 years.</i> Origin of the plebs.
41.2	132	614	<i>Tarquinius Priscus, 38 years.</i> The senate 300; the Luceres admitted. <i>Patres majorum et minorum gentium</i> . Centuries of the knights doubled. Sex Suffragia.
50.4	170	576	<i>Servius Tullius, 46 years.</i> Populus and plebs divided into classes and centuries. <i>Comitia centuriata</i> . Plebs distributed into thirty local tribes.
62.2	216	530	<i>Tarquinius Superbus, 25 years.</i> <i>Jus Papirianum</i> .
68.3	241	505	<i>Regifugium, 24th of February.</i> Two consuls created, called Prætors till the decemvirate. Brutus and Collatinus. Senate filled up. ' <i>Conscripti</i> .'

OL.	B. C.	CONTEMPORARY EVENTS.
8.1	747	Era of <i>Nabonassar</i> computed from Feb. 27, 747, B. C., ceases after the taking of Babylon by Alexander, when the era of the <i>Seleucidæ</i> , from 312, B. C. supplied its place.
	745	Dynasty of the <i>Bacchiadæ</i> at Corinth—an oligarchy of 200 with an annual prytanis.
11.2	734	<i>Syracuse</i> founded by <i>Archias</i> , one of the <i>Bacchiadæ</i> , <i>Corcyra</i> by <i>Chersicrates</i> of the same family, according to the Chronicle of Eusebius. The Parian Chronicle places these events in 758.
14.1	723	<i>Locri</i> founded. First Messenian war ends.
17.1	711	<i>Pythagoras</i> , according to oriental writers, flourished in the reign of Assarhaddon, 711—693.
18.1	707	<i>Tarentum</i> founded by Phalanthus. The colonists probably the offspring of marriages of disparagement.
19.2	702	<i>Sybaris</i> and <i>Croton</i> founded.
24.1	683	First annual archon at Athens.
29.2	662	Second Messenian war terminated by the capture of Ira. Aristomenes.
31.1	655	<i>Cypselus</i> expels the <i>Bacchiadæ</i> from Corinth.
37.1	631	<i>Cyrene</i> founded.
39.3	621	Legislation of <i>Draco</i> .
44.4	600	<i>Massilia</i> founded by Phocæans.
46.2	594	Legislation of <i>Solon</i> .
47.3	589	<i>Pittacus</i> <i>Æsymnete</i> of Mytilene. First elective tyrant.
48.2	586	First <i>Pythian games</i> , (Parian Chron.) at the termination of the Cirrhæan war. In August or September, the beginning of the Athenian year, according to Clinton. In midsummer the first month of every third Olympic year, according to Arnold. In the spring, according to Müller, Böckh, and Göller.
54.4	560	<i>Pisistratus</i> .
61.3	533	<i>Pythagoras the Samian</i> , acc. to Diodorus Siculus.
63.1	527	<i>Hippias</i> .
64.3	514	The <i>Samians</i> settle at Dicearchia. (Chronicle of Eusebius).
67.3	510	<i>Hipparchus</i> assassinated.
	508	<i>Sybaris</i> destroyed.

O. L.	U. C.	B. C.	ROMAN CHRONOLOGY.
			Provocatio allowed by the <i>Valerian law</i> to the plebeians.
70.4	250	496	<i>Claudii</i> replace the Tarquinian house and tribe.
71.1	251	495	<i>First dictator</i> : Titus Lartius.
73.1	259	487	A new tribe, the <i>Crustumine</i> , added to the twenty surviving local tribes.
	260	486	<i>First Secession</i> to Mons Sacer.
	261	485	<i>Tribunes of the Plebeians</i> declared inviolable, and recognised as a plebeian magistracy. <i>Plebeian Ædiles</i> .
			<i>Treaty</i> of isopolity with the <i>Latins</i> concluded by Sp. Cassius.
74.3	265	481	Circeii taken by the Volscians. Period of the great encroachments of the Volscian and Æquian nations on Latium down to 295.
75.1	267	479	<i>League</i> with the <i>Hernicans</i> by Sp. Cassius.
	268	478	Sp. Cassius condemned by the curies. Principle of his <i>agrarian law</i> recognised.
	269	477	Commencement of the seven successive consulships of the <i>Fabii</i> .
			The senate and the curies usurp the right of electing the consuls from the centuries.
76.1	271	475	<i>Agrarian law</i> of C. Mænius who first discovered the power of the tribunate.
	272	474	Office of interrex first made elective. Compromise with the plebeians, to whom one place in the consulship was ceded.
	274	472	Defeat of the Veientes; the consul Manlius killed. The <i>Fabii</i> take the side of the plebeians.
77.2	276	470	Settlement of the <i>Fabii</i> on the <i>Cremera</i> .
	277	469	<i>Fabii</i> cut off on the 18th Quinctilis.
	278	468	Etruscans besiege Rome; ultimately driven off; perhaps owing to a diversion made by the fleet of Hiero at Cumæ.
78.2	280	466	Minucius impeached. <i>Comitia tributa</i> . Coriolanus probably exiled.
78.3	281	465	The tribune <i>Genucius</i> murdered.
	282	464	<i>Volero Publilius</i> , Trib. Pl., brings forward a bill, that the Trib. Pl. should be elected by the <i>Comitia Tributa</i> . Pestilence in Italy.
79.1	283	463	<i>Publilius</i> re-elected with C. Lætorius. <i>Publilian law</i> . The tribes first recognised as a branch of the legislature by a law which entitled them to deliberate on all matters

OL.	B. C.	CONTEMPORARY EVENTS.
70.1	499	<i>Sardis</i> burnt.
	494	<i>Miletus</i> taken.
72.2	490	Battle of <i>Marathon</i> .
	480	Battles of <i>Thermopylæ</i> and <i>Salamis</i> .
75.1	479	Battles of <i>Platæa</i> and <i>Mycalæ</i> .
	478	<i>Gelon</i> , tyrant of Syracuse, according to the Parian Chronicle, which Niebuhr follows; according to Diodorus, Hiero begins to reign.
	477	Athenian ascendancy commences.
77.1	471	<i>Themistocles</i> banished. <i>Hiero</i> , according to the Parian Chronicle, tyrant of Syracuse: reigns ten years, according to Aristot. Pol.
	469	<i>Pericles</i> enters on public life forty years before his death.
	468	Naval victory of Hiero at <i>Cumæ</i> , (Parian Chronicle). <i>Mycenæ</i> destroyed by the Argives.
78.2	466	Siege of <i>Naxos</i> . <i>Themistocles</i> escapes to the Persian court. Battle at the <i>Eurymedon</i> .
	464	Sparta destroyed by an earthquake. <i>Revolt of the Helots</i> .
79.1	463	Capua colonised by Etruscans, according to Cato; probably by Opicans driven forward by the Sabelians.

O.L.	U. C.	B. C.	ROMAN CHRONOLOGY.
			affecting the commonweal, when brought forward by the tribunes, though the senate might still refuse to take cognisance of their determination.
	284	462	Appius Claudius impeached; he kills himself. Law enacted by <i>Sp. Icilius</i> against any interruption of the tribunes whilst haranguing the people.
79.4	286	460	<i>Antium</i> taken from the Volscians; a colony planted there.
80.3	289	457	Æquians encamp on Mount Algidus. Meteoric phenomena.
81.1	291	455	Pestilence at Rome. Volscians and Æquians advance to the Esquiline gate. Eruption of <i>Mount Ætna</i> about this time.
	292	454	<i>C. Terentilius</i> proposes a revision of the laws. His bill is passed by the commonalty but rejected by the senate and the curies.
	293	453	The bill renewed by <i>A. Virginus</i> . <i>Cæso</i> <i>Quinctius</i> exiled. <i>Appius Herdonius</i> seizes the Capitol. <i>Valerius</i> the consul killed.
82.1	295	451	League and municipal relations with the Volscians. Meteoric phenomena.
	296	450	<i>Cincinnatus</i> rescues <i>Minucius</i> and his army on Mount Algidus. <i>M. Volscius</i> condemned. Assassinations at Rome from party spirit.
	297	449	Number of <i>tribunes</i> increased from five to ten.
	298	448	<i>Icilian law</i> . Senate acknowledges itself bound to take into consideration a <i>plebis-scitum</i> .
83.2	300	446	Law of <i>Tarpeius</i> and <i>Aternius</i> to limit plebeian fines. Senate consents to the revision of the laws. Embassy despatched.
	301	445	Pestilence.
84.1	303	443	<i>First decemviral board</i> . Consulship and tribuneship suspended. Patricians enrolled in the local tribes; ærarians and metics also. X. Tables drawn up. Quæstors of blood elected by the centuries. Lesser houses placed on an equality with the greater ones.
	304	442	<i>Second decemviral board</i> : half plebeians. <i>Sicinius Dentatus</i> betrayed. XII. Tables completed.
	305	441	<i>Virginia</i> . Plebs occupy Mount Sacer. Tribunes reappointed. <i>Valerius</i> and <i>Hora-</i>

OL.	B. C.	CONTEMPORARY EVENTS.
	461	Thrasybulus reigns eleven months at Syracuse. <i>Cimon</i> ostracised.
	456	<i>Long walls of Athens</i> completed. Battles of <i>Æno-phyta</i> and <i>Tanagra</i> . Democracy overthrown at
81.1	455	Thebes. <i>Cimon</i> recalled from exile. <i>Ithome</i> surrenders. Third Messenian war ended.
	454	<i>Petalism</i> established at Syracuse.
82.2	450	Five years truce between the Aths, and Lacs.
	449	Death of <i>Cimon</i> .
	447	Battle of <i>Coronea</i> . Athenian interest destroyed in Bœotia.
	445	Revolt of <i>Eubæa</i> and <i>Megara</i> . Thirty years' truce. <i>Thurii</i> colonised. <i>Herodotus</i> one of the colonists.
83.4	444	<i>Pericles</i> , sole director of affairs at Athens.

ROMAN CHRONOLOGY.		
OL.	U.C.	B.C.
		tius elected consuls by the centuries; who henceforth retain the freedom of election. Plebis-scita equally valid with decrees of the centuries, subject however still to the confirmation of the curies.
		<i>Valerian laws.</i> <i>Duilian</i> law against creating a magistrate without appeal.
	306	440 Great victory over the Sabines: Isopolite treaty with them.
85.1	307	439 <i>Trebonian law</i> , that the election of tribunes should be valid, as far as it had gone, for the day. Cooptatio abolished.
	310	436 <i>C. Canuleius</i> proposes a bill to establish the 'connubium' between the two orders. Nine tribunes demand the election of one of the consuls from the plebs.
86.1	311	435 Compromise of the question by the election of <i>three military tribunes</i> . <i>Censors</i> elected by the curies.
	312	434 Consuls reestablished by the usurpation of the patricians.
87.2	316	430 <i>Sp. Mælius</i> slain by <i>Servilius Ahala</i> . Great dearth.
	317	429 Military tribunes again. <i>Fidenæ</i> revolts.
88.1	319	427 Earthquakes.
	320	426 <i>Fidenæ</i> reduced. Pestilence which continues more or less till 323.
	321	425 <i>Æmilian law</i> for abridging the duration of the censorship.
89.2	324	422 Victory of <i>Postumius Tubertus</i> over the <i>Æquians</i> and <i>Volscians</i> . First appearance of <i>Carthaginians</i> in Sicily, according to <i>Livy</i> .
90.1	327	419 Great drought and epidemic disease.
	329	417 <i>Spolia Opima</i> won by <i>A. Cornelius Cosus</i> as consular tribune from <i>Lar Tolumnius</i> .
91.1	331	415 ' <i>Vectigal</i> ' reestablished from the public lands, though not paid honestly.
91.4	334	412 <i>Quæstors of the treasury</i> increased to four, plebeians eligible.
93.1	339	407 Agrarian law of <i>Mæcilius</i> and <i>Metilius</i> . Colony sent to <i>Lavici</i> .
	341	405 <i>Postumius</i> stoned to death by his soldiers.
94.2	344	402 Dearth. Succours sent by <i>Dionysius</i> from Sicily.
	346	400 <i>Plebeian Quæstors</i> for the first time.

OL.	B. C.	CONTEMPORARY EVENTS.
85.3	437	<i>Vulturnum</i> opens its gates to the Samnites.
	435	Sea-fight of the Corinthians and Corcyreans.
86.4	432	Peloponnesian war commenced. Cycle of <i>Meton</i> , the golden number.
	431	The Thebans surprise Plataea.
	430	The plague at Athens.
	429	Potidaea surrenders. Battle of <i>Stratos</i> . Death of Pericles.
	428	Revolt of <i>Lesbos</i> .
88.1	427	Laches sent to Sicily. Plataea surrenders to the Lacs.
	426	Pythodorus sent to Sicily. Earthquakes in Greece. Battle of <i>Olpæ</i> .
	425	Eruption of <i>Ætna</i> . <i>Pylos</i> occupied by the Aths. Sophocles and Eurymedon sent to Sicily.
	424	<i>Cythera</i> occupied by the Aths. General peace in Sicily. Battle of <i>Delium</i> .
89.1	423	Thucydides banished. Truce for a year in Greece. Lucanians advance to the Laos.
	422	Battle of <i>Amphipolis</i> . Brasidas and Cleon killed.
	421	Fifty years' truce.
	420	Alcibiades at the head of affairs.
90.1	419	League between Argos and Athens.
	418	Battle of <i>Mantineia</i> .
	416	Melos surrenders.
	415	Expedition under Nicias to Sicily.
91.2	413	<i>Decelea</i> . Demosthenes sent to Sicily. Defeat of the Athenians at Syracuse.
	412	Alliance between Sparta and Persia.
	411	The 400 established at Athens for four months. Battle of <i>Cynossema</i> .
	410	Battle of <i>Cyzicus</i> .
93.1	407	Alcibiades returns to Athens. Lysander defeats Antiochus. Alcibiades deposed.
	406	Battle of <i>Arginusæ</i> . Dionysius tyrant of Syracuse.
	405	Battle of <i>Ægospotami</i> .
	404	Athens taken by Lysander.
94.1	403	<i>Thrasybulus</i> expels the thirty tyrants. Archonship of Euclides. New Greek alphabet.
	400	Return of the 10,000 under Xenophon.

			ROMAN CHRONOLGOY.
OL.	U. C.	B. C.	
95.3	349	397	Glorious campaign against the Volscians. Anxur taken. Pay decreed to the troops.
	350	396	First year of the last war against Veii. <i>Military tribunate remodelled</i> , numbers increased to six.
96.2	352	394	A single veto sufficient in the tribunal college. 'Tributum' established, a property tax.
	354	392	Stipendium allowed to the knights who served with their own horses. A compact between the two orders to enjoy five places in the military tribunate alternately every two years, the patricians always retaining the sixth place, the prætorship.
97.1	355	391	A most severe winter.
	356	390	First Lectistertium.
98.1	359	387	<i>Veii taken</i> . Gauls invade Italy. Fall of <i>Melpum</i> .
	361	385	<i>Falerii</i> taken.
	362	384	Assignment of land at Veii.
99.1	363	383	Expedition of Dionysius against Pyrgi. Epidemic disease.
	364	382	Vulsinii taken. Camillus exiled.
	365	381	<i>Rome</i> taken by the <i>Gauls</i> . Æquian state broken up.
	366	380	Hernicans and Latins renounce the supremacy of Rome. Volscians defeated.
100.2	368	378	<i>Four new tribes</i> formed.
101.1	371	375	<i>Manlius</i> condemned by the curies.
	372	374	Assignment of the Pomptine district. Question of war, when decided by the senate, submitted for the first time to the commonalty, for its acceptance. Colony sent to Sutrium.
	374	372	Disastrous war against the Volscians, Prænestines, and Antiates.
102.1	375	371	Prænestes taken.
	376	370	<i>Plebeian military tribunes</i> . Civil commotions about debts.
	378	368	Election of patrician Mil. Trib. brought about forcibly.
103.1	379	367	C. Licinius and L. Sextus Trib. Pleb. <i>Licinian Rogations</i> brought forward.
	382	364	Colony sent to Nepete.
104.2	384	362	<i>Licinian laws</i> .

OL.	B. C.	CONTEMPORARY EVENTS.
	396	First campaign of Agesilaus in Asia.
96.1	395	Battle of <i>Haliartus</i> . Lysander killed.
	394	Battles of <i>Cnidus</i> and <i>Coronea</i> . Conon.
	390	Thrasybulus slain at Aspendus.
	389	Thurians defeated at Laos. Conquests of the Lucanians.
98.1	387	Peace of <i>Antalcidas</i> .
	385	<i>Mantineia</i> taken by Agesipolis. Sea-fight between Evagoras and the Persians.
	382	Phœbidas seizes the Cadmea at Thebes. First campaign of the <i>Olynthian</i> war.
100.1	379	The <i>Cadmea</i> recovered by the Thebans.
	376	<i>Chabrias</i> gains the naval victory of <i>Naxos</i> . <i>Cyprian</i> war terminated.
	374	Death of Evagoras.
102.1	371	Battle of <i>Leuctra</i> . Megalopolis founded.
	370	Jason of Pheræ slain.
	369	The Thebans invade Laconia. The Messenians restored to their own country.
103.1	367	Dionysius II. at Syracuse. Archidamus gains "the Tearless Victory."
104.2	362	Battle of <i>Mantineia</i> . Epaminondas slain.
105.1	359	Accession to the throne of <i>Philip of Macedon</i> .



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# THE HISTORY OF ROME.

## CHAP. I.

### INTRODUCTION.

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#### ERRATA.

P. 32. l. 27. 29. *for* "Cumæan" and "Cumæans" *read* "Cuman" and "Cumaus."

P. 71. l. 13. *after* "labouring class" *insert* "Appendix D."

P. 84. l. 3. *for* "Tullius Hostilius" *read* "Tullus Hostilius."

P. 315. l. 15. and 17. *for* χαραχτήρες and χαραχτήρα *read* χαρακτήρες and χαρακτήρα.

that which we possess for contemporary events in Greece.

Such was the proportion and correspondence among the various parts of the Roman state, and such was its revigorating energy, and its power of assimilating the new to the old, that when a few traces and remains of intelligible import have been brought to light, safe and certain conclusions may be drawn from them concerning other things, from which it is out of our power to clear away the rubbish. In like manner as the ocean receives into its bosom the rivers of the earth, so the history of Rome receives into itself that of all the other

nations known to have existed before her, in the regions around the Mediterranean. Many perish forthwith, others struggle for awhile, but sooner or later are confounded in the unity of the mightier stream. Yet their previous character and condition fall within the province of the historian of Rome, and his business is to exhibit the best image of them, that research or reflexion can produce, in order that the reader may not content himself with empty names, or with notions merely caught up at random.

Livy had no such aims; he was moved to write by the highly brilliant talent with which nature had gifted him for seizing the characteristic features of humanity, and for narration; combined with the imaginative power of a poet, though without the facility of versifying or the love of it. He wrote, indeed, with no feeling of doubt, yet without conviction, bringing down the marvels of the heroic ages into the sphere of history. Even those primitive ages when the gods walked amongst mankind he would not absolutely reject, considering the records of them only less full and certain, but of the same kind with those of accredited history. His views and judgement of the early constitution were biassed by the prejudices of his youth, which saw in those who bore the same name, the same class of men with those whom he justly deemed the most corrupt of his own age. His conception of foreign nations and of unknown countries was, from his negligence, indistinct. His sole wish seems to have been to revive the recollection of whatever had been glorious or excellent in the past; and, in teaching his countrymen to know and admire the deeds of their ancestors, he bestowed on their literature a colossal masterwork, with which the Greeks have nothing to compare, nor can any modern people place a similar work beside it. No loss, that has befallen us in Roman literature, is comparable to that which has left his history imperfect.

Yet had the whole been preserved, we should still

find an inducement to frame a Roman history suited to our wants. Something more and something less is now required than what we read in his inimitable narrative, in order that his heroes and patriots may appear to us as beings of our flesh and blood; and in order that, when the interest of the moment has passed away, the memory of the reader may still sympathise with them. To vie with Livy as a historian, to fancy that the lost portions of his work might be replaced, if our materials were only richer, would be ridiculous. But there is no presumption in undertaking, after careful and laborious examination to combine and thus vivify our poor and fragmentary notices, in order that by such means, during the periods when we have nothing better, that image which readily arises where the material is plentiful and finely wrought, may still come forth living and complete in all its essential members.

## CHAP. II.

### ANCIENT ITALY.

The Romans were not an original and peculiar people, like the Athenians, but a conflux of several distinct tribes, which lost their individuality as they became incorporated with the Roman nation. The original stream flowed onwards, and gave its name to the river, whilst the tributaries, though far mightier, were overlooked. Thus the Umbrians, the Sabellians, and Etruscans sink unheeded into oblivion, yet the Volscian Attius and the Samnite Pontius were probably not the only names worthy of a less obscure recollection. The dishonesty of the Roman annalists has studiously thrown into the shade all that might offend the vanity of their countrymen.

Cato the Censor, in his *Origines*, the earliest work on the history of Rome in the Latin tongue, has pre-

served some little of the history of the earliest times. In his days the Etruscans, Oscans, and Sabellians, had still a national existence; and as amongst these nations annals and registers were kept, the scantiness of which might be compensated by their authenticity, the wishes of Cato, backed by his magisterial authority, would find an easy access to them. Original inscriptions in brass and stone, although their value as historical documents had been appreciated in Greece for a century and a half before, do not appear to have attracted the regard of the Romans in the time of Cato. The Mærsic and Etruscan wars, subsequent to this period, must have proved destructive to monuments of every kind, especially to writings. The establishment of military colonies, which shortly followed, contributed to the general extension of the Latin language. The Oscan was barely lingering in existence when Pompeii was destroyed, and the language of Etruria sank into oblivion with her science and literature.

Varro's writings were useful as a history of Roman manners, and as enumerating the primitive cities of the aborigines; but his facts are borrowed from late Greek writers of no value, and he has unfortunately led Dionysius astray.

Julius Hyginus built his history on very late Greek authors of no repute, yet he is quoted by Pliny, who treated with contempt the Tyrrhenian histories of Claudius: these, however, as far as we may judge from the Lyons tables, were of some historical importance, as the Tuscan annals and Roman archives furnished matter for them; and most probably the monuments of Etruria had been examined by the Imperial Dilettante. Had the Politics of Aristotle come down to us in a perfect form, they would perhaps have contained some account of the Roman state: we may presume that neither these, nor the works of Timæus or of Antiochus, had been consulted by Cato, as he knows nothing of the Cænotrians.

Italia was originally the name of the land of the Itali, a name derived by the Greeks from Italus, a king of the Ænотrians. The Oscan name of the country was Vitellium. The etymology of the word Italus or Italos, as meaning an ox in the Tyrrhenian language, supplied an opportunity for a hieroglyphical representation. The bull with a human face on the Campanian coins is Italus or Vitalus. The Italians, according to the Greek accounts, were the Ænотrians, who at one time occupied the whole of the peninsula to the south of the Tiber, and Cape Garganus. From the name of the country, the people who settled therein were called Italiancs; they were for the most part Sabellians. They considered themselves as one Italian people in the Marsic war; and even before that time, in the war of Hannibal, they acted independently of the Umbrians and Etruscans. In its earliest signification Italia was by the Greeks considered to be the peninsula between the Scylletic and Nepetic gulfs; or, in other words, the southernmost part of the Bruttii; such was the statement of Antiochus of Syracuse, as quoted by Aristotle. Dionysius quotes his authority in a wider sense, as identifying the whole country, from Tarentum to Posidonia, with Italia. In his own days Antiochus limited Italia by a line drawn from Laos to Metapontum, and places Tarentum in Iapygia; in the same manner Thucydides distinguishes Iapygia from Italia; Timæus extended the boundaries of Italy to the Tiber, and beyond Picenum; Polybius, to the foot of the Alps, comprising Cisalpine Gaul and Venetia in Italia, but excluding Liguria; Cato considered Etruria and Umbria in Italia. Latterly the name migrated northward, and in the reign of Maximian was transferred to the five annony provinces, Æmilia, Liguria, Flaminia, Venetia, and Istria; and from this usage the kingdom of the Lombards received its name. Hesperia was a kind of poetical name for the west, but as poets spoke most frequently of Italy, it latterly became

identified with it, to the exclusion of Iberia. Ausonia was originally synonymous with Opica, but latterly its name received a no less wide extension than that of Italia. Saturnia may have been used to designate a part of central Italy, but the traces of this name are very faint. As the main part of what we know of the history of Italy before the Romans is derived from the Greeks, we find in their accounts nothing concerning the Etruscan and Sabellian nations, who had not yet made their appearance within the sphere of their knowledge.

### CHAP. III.

#### THE CENOTRIANS AND PELASGIANS.

The legendary origin of the Cœnotrians is deduced from a colony which emigrated under Cœnotrus, one of the sons of Lycaon, from Arcadia, at the same time with the Peucetians on the Ionian gulf, under his brother Peucetus, seventeen generations before the Trojan war. This, according to Pausanias, was the earliest instance of a colony on record. Such legends are only deserving of attention as furnishing clues to the genealogical affinities of nations. This particular one concerning the Cœnotrians being Arcadians, and therefore descended from Pelasgus, has a historical confirmation in the fact that the serfs of the Italian Greeks, who were most undoubtedly Cœnotrians, were called Pelasgians. The Pelasgians were a different nation from the Hellens: their language was peculiar, and not Greek; in other words, although it possessed an essential affinity to it, it was still so different as not to be intelligible to Greeks. Such is the meaning of Herodotus, who deviates however from all other Greek writers in ranking the Epirots with the Hellens. From the Pelasgians the Greek theology was derived, and to them the oracle of Dodona belonged. Their name was pro-

bably a national one; at least the Greek explanations of it are absurd. Their mysterious character arises from their appearance in historical notices when already in a state of ruin and decay; but a more accurate research after the traces of their diffusion will enable us to penetrate this mystery, and to recognise in them one of the greatest nations of ancient Europe, whose migrations were as widely extended as those of the Celts.

It was no arbitrary fiction of the poet, when Æschylus made king Pelasgus boast, that he and his people were masters of the whole country to the west of the Strymon. The Hellens appear to have spread, like the Latins and Romans in Italy, by detachments settling amidst far more numerous communities of a different, though not wholly foreign, nature, which adopted the language and laws of the colonists, in order to resemble them. The Arcadians, the most ancient settlers at Argos, and the Ionians, were all Pelasgian races: the people of Attica were styled Pelasgian Cranai. Thessaly was their second great seat in Hellas, or, as it was generally called, in Argos; hence Thessaly was termed the Pelasgian Argos, and the words Thessalian and Pelasgian are used as equivalent. We identify Pelasgians in the Thesprotians and Epirot tribes; in the Orestians, Pelagonians, and Elimiot of Upper Macedonia; in the Amphilochians, Agræans, and other tribes of Ætolia; and in the Teleboans and Dolopians. The Pelasgians as well as the Hellens were members of the Amphictyonic association, the main tie of which was religion, in which both nations agreed. When Macedonia became a great kingdom, made up of Greeks, Illyrians, Pæonians, and Thracians, the core of the nation was still a peculiar race, neither Greek nor Illyrian; this was Pelasgian. The Bottiæans were Pelasgians: we find Pelasgians likewise in Lemnos, Imbrus, and Samothrace; in Lesbos and Chios; along the whole coast of Ionia, beginning from Mycale; in Æolis; at Tralles in Caria; on the Hellespont at Placia and

Scylace; at Cyzicus; and most probably the Teucrians and Dardanians, who were very clearly perceived by the Greek philologists not to be Phrygians, and by some suspected not to be barbarians at all, were of Pelasgian extraction. In Eubœa, in Andrus and Cythnus, and in Crete, we find traces of Pelasgians. In Italy we have the Pelasgian serfs of the Italian Greeks, who were the remains of the old Ænotrian population: we find Pelasgians at Cortona, in Etruria; Cære was Pelasgian before it fell into the hands of the Etruscans, and hence arose its connection with the Delphic oracle: hence the Agyllæans were termed Thessalians. Ravenna was called a Thessalian settlement; Spina had its treasury at Delphi, and is termed Pelasgian; we may likewise recognise Pelasgians in the Greek founders of Pisa.

The inhabitants of Tyrrhenia were originally Pelasgians; their Etruscan conquerors obtained the name of Tyrrhenians from the country. A similar error to that which imagines the Slavonic Dalmatians, who bear the name of Illyrians, to be for that reason the descendants of the ancient Illyrians, confounded the Etruscan conquerors with their Tyrrhenian subjects, and hence involved the origin of the Etruscans in almost inextricable difficulties. The Pelasgian wanderers, who settled in Attica at the foot of Hymettus, had originally appeared in Acarnania, according to Pausanias, and were said to be Sicelians. According to the story, they had come from the south of Etruria, and most undoubtedly called themselves Tyrrhenians; when driven out of Attica, they turned their course towards mount Athos and the Hellespont. The story of the Lydian colony of the Tyrrhenians may be explained by the fact that the Mæonians were Pelasgians, as is proved by the name of their stronghold Larissa. Ardea is designated as a Pelasgian city by the poet, who styles it an Argive one founded by Danae. The legend, which represents Saguntum as a colony of the Ardeates, ex-

tends the Pelasgians into Spain, where moreover the ancient capital Terraco has been considered to be a Pelasgian city; Antium, Circeii, Terracina the Latin form of Trachina, the towns near the Liris, such as Amynclæ, Hormiæ, and Sinuessa, the islands of Pontiaë, and the inland fort of Larissa, lead us by their names to infer that they were Pelasgian. Pompeii and Herculaneum were, according to Strabo, founded by Tyrrhenians. The worship of the Argive Juno was a peculiar characteristic of the Pelasgian tribes in Italy, and her temple near Salernum indicates the Pelasgian origin of the people of that neighbourhood. Capræ, which was inhabited by Teleboans, and Nuceria are the final links in the chain of Pelasgian settlements, which extend along the western coast of Italy, from Pisa to the borders of the Cœnotrians, whose Pelasgian origin has already been indicated.

The earliest inhabitants of the plains of the Tiber were, according to Roman historians, the Siculians, who dwelt at Tibur, Falerii, and a number of small towns about Rome, who were also called Argives, as Argos was termed Pelasgian. The original inhabitants of Latium went by the name of Aborigines, and were termed by Cato Achæans, another form of Pelasgians. These Siculi were subjugated by a strange people who came down from the Abruzzi; but the name of the conquerors, who became one people with the conquered and were called Latins, was forgotten. One portion of the Siculians were said to have emigrated, owing to this cause, under the name of Tyrrhenians, to the eastern parts of Greece, whilst another crossed over into Sicily. The traces of Pelasgian names in the interior of Italy, such as Acherontia, Argyrippa, Sipontum, afford us good ground for supposing that it was inhabited by the same nation, till it was driven out by the Opicans or Sabellians. We meet with Pelasgians along the whole coast of the Adriatic, from the Aternus to the Po; Picenum, the territory of the Senones, the

districts of Prætutium, Palma, and Adria, were at one time possessed by Tyrrhenians. The Greek coins of Pisaurem indicate the probability that its inhabitants were a tribe of Tyrrhenians, which had maintained its independence when the Sabellians occupied the surrounding country.

The Liburnians on the eastern shores of the Adriatic are distinguished by the accurate Scylax from the Illyrians. Corcyra was perhaps the connecting link between the Pelasgians of Epirus and of Italy. The expedition of the Illyrian Enchelades, who penetrated to Delphi, may have been a migration of the whole Illyrian people from regions far removed in the north, who in their progress overpowered the Pelasgian population of Dalmatia. The Teucrian origin of the Pæonians in Thrace points to their Pelasgian extraction. The great facility with which the Pannonians acquired the Latin language may corroborate in some respect their supposed identity with the Pæonians. It thus appears that there was a time when the country, from the Arno to the Ryndacus, was inhabited by Pelasgians. The chain of connection, broken off on the continent by the Thracians, is kept up between Greece and Asia by the islands in the north of the Ægean; but when Hellanicus and the genealogers wrote, scattered remnants of this immense race alone remained, like the detached Celtic tribes in Spain, solitary and widely scattered. The historical inquirer is not in any way justified in assuming that any one of these separate regions, in which we find tribes of the same stock, was the original home, whence a part of the inhabitants emigrated to the others. The same analogy holds good in the geography of the animal and vegetable kingdoms.

In the Latin language there are two elements mixed up together, one connected with the Greek, the other entirely foreign to it; but even in the former the distinction is no less evident than the affinity. The case was the same with the Pelasgians and Greeks, as races.

Hence the latter, notwithstanding their affinity, would look upon the former as foreigners, and call their language a barbarous one.

The CEnotrians were distinguished into two tribes, the Italietes in the southernmost peninsula, and the Chones to the north without the isthmus, stretching up to Iapygia. The former, who led a pastoral life, are said to have been moulded into a new people by Italus, some time before the age of Minos, who induced them to betake themselves to tillage, and with other institutions established 'Syssitia' amongst them. The name of Sicelians comprised the Italians and Chonians, and corresponds entirely with that of CEnotrians. We find it given to the Epirots in the *Odyssee*, and thus we have a solution for the origin of those Tyrrhenians who emigrated to Athens, in the mention of their having come out of Acarnania. They were the Pelasgians of Epirus, who, at the time represented in the catalogue of the Greek army before Troy, were still masters of that country. We likewise find Chones, or Chaones, on either side of the Ionian sea, just as there was a Pandosia and a river Acheron in CEnotria as well as in Thresprotia. The wars of the Metapontines against the Tarentines and the CEnotrians of the interior show, that at that time there were still independent CEnotrians. The founding of Posidonia and Laos on the lower sea by Sybaris, of Terina by Croton, of Hipponium and Medina by Locri, identifies the period to which the general bondage of the Pelasgians is to be referred.

The immense increase of the population of Sybaris and Croton leads us to infer that great numbers of these subject CEnotrians were admitted to the right of citizenship. When Antiochus limited Italy by a line drawn from Laos to Metapontum (Ol. 89. 2.) the CEnotrians to the west of that line had already been subjugated by the Lucanians. Conquerors however had now learnt that it was more profitable to retain tributary subjects, than to exterminate them and supply their

place by the purchase of herds of slaves; and thus we find the original inhabitants degraded to a state of villanage, and adopting the language and habits of the Greeks, as was likewise the case with the Sicelians of the island, and with the Epirots. The facility with which they were thus moulded into Greeks is a characteristic of the Pelasgian tribes, and a main cause of the breaking up and extinction of the nation: this is to be attributed partly to their original affinity, partly to the magical power of the Greek language and national character, the effect of which was remarkable over, even foreign races, as in Asia after the Macedonian conquest, and in Albania, where the settlers have adopted the Romaic by the side of their own language. The name of *Magna Græcia* was justified by the total change in the character and language of the inhabitants. The Greek language did not begin to give way there till the fourteenth century; indeed at this very day there is a population that speaks Greek remaining in the district of Locri. In the time of the Peloponnesian war there were Sicelians still existing in the southernmost parts of Italy: the name of revolted slaves, which the Bruttii accepted as a term of defiance, authorises us in looking for their origin to the ancient serfs, the *Ænotrians*, strengthened by the accession of *Oscan freebooters*. When the Roman arms reached these parts there was no people in *Magna Græcia* except *Lucanians*, *Bruttii*, and *Greeks*: the *Ænotrians* were known solely to the learned. (Appendix A.)

## CHAP. IV.

## THE OPICANS AND AUSONIANS.

The country between Ænotria and Tyrrhenia was by the Greeks called Opica, or Ausonia; its south-eastern boundary may be regarded as indeterminate, and may have been enlarged with the conquests of the Samnites in Ænotria; but the original land of the Opicans was in the neighbourhood of Cales and Beneventum: this was the country first called Ausonia. An erroneous subdivision, analogous to that by which the Pelasgians and Tyrrhenians were represented as separate races, has distinguished the Opicans, Ausonians, and Oscans, as nations which inhabited Campania in succession. Opicus and Oscus are the same word; the first form was adopted by the Greek, the last became the prevalent one in Latin. The Greeks associated the name of Opicans, as borne by their ferocious mercenaries, with the notion of savage barbarians; even in the time of Cato the Romans, as kinsmen of the Mamertines, were designated by them with this name of dishonour. If those Opicans, who were driven out of Samnium by the Sabellians, were Oscans, it is singular that the language of the tribes descended from the conquerors should be called Oscan. It is however probable that the language of the conquered tribes became the prevailing language in a mixed, if not in a pure state, even if they were a distinct race from their conquerors, in the same manner as we find the Italian adopted by the descendants of the Lombards. The Oscan language spread southward as far as Bruttii and Messapia; its dialects were probably numerous, accordingly as Sabellians and Ænotrians became grafted on the Oscan stock. In the inscriptions that remain, which are easily deciphered, we discover that other

element which is mixed up with the Greek part of the Latin language; its grammatical forms and inflexions are such, as we find still lingering in Latin. Since this language is not unintelligible to us, it is not strange that dramas in it were perfectly intelligible to the Romans.

The Ausonians, a Greek name, who may be considered as a branch of the Oscan nation, were probably called in their native language 'Auruni,' from which 'Aurunci' is derived; for these were the same as the Ausonians. Suessa is one of their cities, and it lies in the very heart of the country of the Ausonians. In the old annals the Volsci were also called Auruncians. The Olsi in the *Periplus of Scylax* are the Volsci, the digamma being dropped. The Volscientes, who make their appearance with the Lucanians, were probably ancient Opicans driven southward by the Sabellian immigration, and who maintained their independence among the Lucanians. The Elysici in the army of Gelon are no other people than the Volsci, and are ranked, like the Iberians and Celts, alongside of the Ligurians, by a common arrangement, as the Greeks frequently ranked the Romans and the Sicelians among the Ligurians. The language of the Volscians is not the same with that called Oscan, as far as credit may be given to the Volscian inscription, in which the name of Velitræ seems to occur; but a positive judgment cannot be based on this authority.

An intimate connection exists between the Volscian and Æquian races, and sometimes Volscian names seem to be used for tribes of Æquian origin. The Faliscans were Æquians, yet the worship of the Argive Juno indicates that the subject race was of Pelasgian extraction. The Faliscan dialect had the word *Hirpus*, in common with the Samnite. In such words as the Oscan shares with the Latin, we often find "p." substituted for "qu," "pid" for "quid," and the like; which makes it almost certain that the name Æqui

contains the radical syllable of the names Opici and Apuli, according to the Latin way of expressing it. The Apulians, properly so called, were Opicans, who gave their name to the country of the Daunians, on their occupation of it. For the Opicans, being themselves pressed forward by the Sabellians, threw themselves upon the Italians and overpowered them. Those who left their homes are the people designated in the oldest traditions of the Italian Greeks as Sicelians, who crossed over to the island, having been driven from their abodes by the Opicans. These Sicelians, however, must have come out of Campania, which in earlier times was peopled by Pelasgians. The Tyrrhenian origin of Capua, under the name of Vulturnum, and of Nola, affords an explanation of what is referred by Roman writers to the Etruscans, who speak of Campania as subject to the Etruscans before it was conquered by the Samnites. The greatness of the Etruscans belongs to the third century of Rome, and is indicated by the war of Porsenna, the Veientine war after the disaster on the Cremera, and the defeat of the Etruscan fleet before Cumæ by Hiero, (Ol. 76. 3.) It is difficult however to suppose the people on the left bank of the Tiber in such a state of dependence, as to admit of Etruria sending out colonies beyond the Vulturnus. The subjection of Rome to Porsenna was of short duration, and as the ports of Cumæ, Dicæopolis, and Parthenope, had continued invariably in the hands of Chalcidian Greeks, it seems almost impossible that the Etruscans can have crossed the sea, and formed a permanent settlement, without possessing one at least of these harbours. This is a strong argument against the Etruscans having been possessors of the Phlegræan plains. Even the expedition against Cumæ, placed by Dionysius in the LXIVth Olympiad, appears more to have reference to the Tyrrhenians than to the Etruscans. The host of nations in the invading army was probably the tide of Italians and Opicans, rolling on-

wards before the Sabellians; the drivers perhaps were mixed up with the fugitives, as in the great migration of the Germans and Huns. This appears to be the epoch at which the Opicans settled in the Phlegræan fields. Not the slightest trace of the Etruscans is to be found in Campania; as all the written monuments, without exception, are in Oscan. Nola was called a Chalcidian city, as the Tyrrhenians probably admitted Greeks to fellow-citizenship: how entirely the civilisation of Greece had been adopted by Nola is evinced by the workmanship and language on her coins. In the second Punic war she had become substantially an Oscan city; even Neapolis had not been able to exclude the Oscans from the rights of citizenship.

## CHAP. V.

### THE ABORIGINES AND LATINS.

Tradition had handed down, that a people who inhabited the district about Carseoli and Reate, and whose capital was Lista, had been driven forth by the Sabines, and in their progress down the Anio had subdued or expelled the Siculians in various places near its banks. The conquerors were in the Latin legends called 'Sacrani.' Another name, and unquestionably an old and genuine one, was 'Casci;' in addition to this they were properly called 'Prisci.' The name 'Prisci Latini,' in its genuine signification of 'Prisci et Latini,' intimates the union of the Siculian inhabitants, who were perhaps called Latins, with the Priscans. Usage, however, founded on the predominant legend of the union of the Trojan followers of Æneas with the native subjects of Latinus, has given the name of Latins to the nation, which arose out of the conquest of the Priscans, and that of Aborigines to the earlier inhabitants of Latium. The Sicelians did not entirely

disappear out of Latium: some seem to have maintained their freedom, a part united themselves with the Cascans, whilst another quitted the country. This emigration is connected with the legend touching the expedition of the Sicelians into Trinacria.

The affinity between that element of the Latin language, which is not Greek, and the Oscan, puts it beyond a doubt that the Cascans belonged to the Oscan stock. The Umbrians in their early greatness reached as far as those most ancient seats of the Cascans. The tradition followed by Philistus, that the Sicelians had been expelled by the Umbrians and Pelasgians, may therefore be regarded as the same with that which led Thucydides to speak of the Oscans and Ænотrians; so that the Umbrians and Opicans would be branches of the same nation. The portrait of the Aborigines, as hordes of uncivilised savages, may have been drawn from the traditions of their Sicilian subjects, who were forced to till the ground, whilst their masters amused themselves with the pleasures of war or the chase. The fact, that words relating to agriculture and the gentler ways of life agree in Latin and Greek, whilst the Latin words for all objects appertaining to war or the chase are utterly alien from the Greek, must be owing to the Pelasgian origin of the agricultural serfs.

With reference to the mythology of the Latins, Janus or Dianus, as Scaliger has shown, was the god of the sun: Saturn and his wife Ops are most probably the god and goddess of the earth, the power of the earth which vivifies, and that which conceives and brings forth.

Between Saturn and the Trojan settlement there were only three kings of the Aborigines in the legend, Picus, Faunus, and Latinus, son after son, who were afterwards adored as Indigetes. Lavinus and Lavinius are different phases of Latinus. Lavinium was the common sanctuary and council seat of the Latins: Lacinium, with its temple of Juno, was the common sanc-

tuary of those *Ænotrians*, called *Lacinians*, whom we thus see belonged to the same nation with the *Latins*.

The voyage of *Evadner* to *Latium*, with a train of *Arcadians*, a homesprung legend, may warrant us in supposing, that as so many small *Sicilian* towns were scattered about in the neighbourhood, another such town stood on the hill near the *Tiber*, and bore the name of *Palatium*. This reminded the Greek genealogers, with whom *Pelasgian* and *Arcadian* were equivalent terms, of *Pallantium* in *Mœnalia*. *Evadner* is, however, but another form of *Latinus*: in the one legend he is the son of the prophetic *Carmentis*, in the other of the prophetic *Faunus*; in the one he marries his daughter *Lavinia* to *Hercules*, in the other to *Æneas*, both being foreign heroes. The frontiers of *Latium* were pushed forward from *Circeii* towards the *Liris* by the early Roman conquests, if we are to judge from the first treaty of the Romans with *Carthage*, preserved by *Polybius*, in which all the towns from *Ostia* to *Terracina* are called *Latin*, and are subject to the Romans; and the *Carthaginians* bind themselves, if they take any *Latin* town not subject to the Romans, to deliver it up to them. Conquests in the interior are here out of the question, so that *Latium* must then have stretched further along the coast towards *Cumæ*; and the name of *Latins* is synonymous with that of *Tyrrhenians*.

## CHAP. VI.

### THE SABINES AND SABELLIANS.

The Romans had no general name comprehending the *Sabines* along with the tribes supposed to have issued from them: the latter, whether *Marsians* and *Pelignians*, or *Samnites* and *Lucanians*, they termed *Sabellians*. That these tribes amongst themselves were termed *Sabini*, or *Savini*, is certain, from the inscrip-

tion on the Samnite denary coined in the Social war, as *Σαυῖται*, the Greek form of Samnites, is evidently derived from Savini; but, as it would clearly have offended a Latin ear to call the Samnites Sabines, since a general name is indispensable, we will venture to employ the term Sabellians for the whole race.

When the Romans advanced beyond the frontiers of Latium, the Sabellians were the most widely extended and the greatest people in Italy. Their original home is placed by Cato in the neighbourhood of Amiternum, in the highest Apennines of the Abruzzi: hence they issued in very remote times, and drove the Cascans before them in one quarter, and the Umbrians in another. The tradition runs, that a religious vow of a 'Ver Sacrum,' according to which, after the lapse of twenty years, the cattle were sacrificed or redeemed and the youth sent forth, occasioned the sending out of these colonies. One of them occupied Picenum then peopled by Pelasgians, another passed into the land of the Opicans and formed the nucleus of the great Samnite people. The Frentanians on the Adriatic, the tribes that conquered Campania and the country as far as the Silarus, and the Lucanians, were of Samnite origin. Capua, originally a Tuscan, and at that time probably an Oscan town, having come into possession of the Sabellians, the name of Campanians was given to all the races mixed up of Sabellians and Oscans, and hence to the mercenaries of the Greek states, who spoke Oscan. Cuma was soon after taken by storm by the Campanians, but the Greek population was not quite exterminated, for traces of Greek manners and customs were subsisting four hundred years afterwards, when the Oscan language, which had supplanted the Greek, had long since given way to the Latin. Nola and Nuceria maintained their independence.

The Lucanians were soon separated from the Samnites by the distance and magnitude of their conquests: with their occupation of Ænotria came the wars between

the Greek cities and the barbarians, which ended in the ruin of the former. They first established themselves on the western coast by the conquest of Posidonia and its confederate towns. The subjugated Greek community, if we may judge from several of the coins, which, from the letters on them, cannot be earlier than the Peloponnesian war, still dwelt in the Lucanian city of Pæstum in a state of villanage: but as the Greek character was always used on the coins of Nola, and even on those of Capua occasionally, nothing can be proved from such a circumstance as to the time when Posidonia was taken. The probability is, that the Samnites did not advance into these less tempting regions till after the conquest of Campania, where the gates of Vulturnum were opened to them, (Ol. 85. 3.) Thurium was built (Ol. 83. 3.) near the site of Sybaris, which had fallen sixty-four years previously, and her rapid growth is a proof that no barbarians were in her way. When Antiochus closed his Sicilian history, (Ol. 89. 1.) the Lucanians had advanced as far as the Laos. Thirty years afterwards, the Italiots concluded a general defensive league against the Lucanians, and against Dionysius. In Ol. 97. 3, the Thurians were completely defeated near Laos, after which battle the conquests of the Lucanians spread like a torrent, owing to the ruin of the Greek cities by the Syracusan tyrants. In Ol. 105. 2, when Dionysius the younger had concluded a peace with them, the Lucanian state had reached its greatest extent. Only three years later, in Ol. 106. 1, the Bruttian people make their appearance, a people who drew their origin from a mixture of races, and in part from those Cœnotrians, who had been moulded into Greeks, as is proved by their speaking Greek along with Oscan. Their formidable success induced the Lucanians to join in an alliance with their former subjects, and to indemnify themselves by conquests on the Tarentine gulf. By these enterprises the arms of three Greek princes, Archidamus, Alex-

ander the Molossian, and Cleonymus, were drawn over into Italy, and at last by their attack on Thurii the arms of Rome were turned against the Lucanians. They were however at this time feeble and exhausted by internal dissensions; rich indeed, as is proved by the spoil which the Romans took from them, but unable to defend their wealth.

Between the Sabines and the Samnites lies the country of the Marsians, Marrucinians, Pelignians, and Vestinians, all of Sabellian origin; in accordance with which, we find these four tribes united in a federal league; and when Polybius speaks of the forces which the nations of Italy might bring into the field at the time of the Cisalpine war, he gives the number of the troops belonging to these four tribes in one sum. The Hernicans, so remarkable in history for standing in a singularly favourable relation to the Romans, as their allies on a footing of equality, were most probably a Marsian colony. Their name is said to be derived from the Sabine and Marsian word *Hernæ*, which signifies Rocks. Their settlement may be referred to the period when the Sabines were pushing forward to the sea along the Tiber, as well as in the south. The settlements of the Sabines on the left bank of the Tiber extended even to the south of the Anio, and were intermingled with those of the Latins. The wars with the Sabines, which form a main part of what is contained in the earliest annals of Rome, cease entirely about U.C. 306, which evidently coincides with their diffusion in the south of Italy. The tide of overflowing population from all the Sabellian tribes was now turned towards this quarter, and the old Sabines on the Tiber became quite insignificant. The Lacedæmonian origin of the Samnites was a fiction of the Tarentines, a frivolous compliment to their powerful neighbours. It is by no means improbable that the Sabellians and Oscans were only branches of one stock. All the Sabellians spoke a common language; the original Sabines, from

their admixture with Romans, had probably ceased to speak their own language, but there was an intimate connection between the Sabine, Samnite, and Marsic languages. The Campanian Oscan must have been the dialect, the furthest removed from the Sabine, and must have subsisted the longest: it had not become quite obsolete at Herculaneum and Pompeii, when they perished.

The Marsians and their confederates the Frentinians, as well as the ancient Sabines, used the Latin characters, which are also found on the table at Bantia. The only monuments of the Samnites are coins, which like all the Campanian, except those with Greek inscriptions, have Etruscan letters. The coins of the Lucanians have the name 'Lucanom' in Greek letters; their familiarity with that language is evident from the fact, that the pure Doric spoken by the Lucanian ambassador won the hearts of the popular assembly at Syracuse; nor would the philosophy of Pythagoras have found reception amongst them had it been unusual for Lucanians to write Greek.

The strictness of their morals, and their cheerful contentedness, were the peculiar glory of the Sabellian mountaineers, particularly of the Sabines and the four northern cantons. In other respects the character of the several tribes was essentially distinct. Divination was practised by all the Sabellians, but especially by the Marsians. Most of the tribes, and among the rest the Sabines, lived in open hamlets; the Samnites and the members of the northern confederacy, like the Epirots, fortified and dwelt round the summits of their hills, where a brave people could defend the approaches even without walls. The want of union between the tribes and mother country prevented the Sabellians from making themselves masters of all Italy. The federal league of the four northern cantons was founded on a community of national laws, not on a common government; even the tie, which united the tribes of

the Samnite republic, though firmer, seems still to have been insufficient. In time of war the Samnites elected a general-in-chief, with the Sabellie title of 'Embratur,' which was afterwards moulded into the Latin word 'Imperator.' By this term the Samnite general is designated by Livy, whilst the corresponding title of the Latin commander is 'Dictator' or 'Prætor.' Mutual hostilities, or want of union, were fatal to the greatness of the Sabellian nation; and it was the absence of a predominant capital, and of the unity consequent upon it, which principally caused the downfall of the Samnites.

## CHAP. VII.

### THE TUSCANS OR ETRUSCANS.

The importance of the Etruscan nation is limited in Roman history to the period between the kings and the Gallic conquest, after which they are extremely weak in comparison with the Sabellians. The attention of the Greeks was attracted to their dominion over the Tyrrhenian sea about the time of the Persian war. By Greek writers they are mostly spoken of as a piratical and gluttonous race, by the Romans as practising divination and the arts. The traditional opinion of their former greatness is amply confirmed by the ruins of their cities, and by the numerous works of art which have been discovered. From the circumstance of Tyrrhenia retaining its name after its conquest by the Etruscans, two entirely different races were called Tyrrhenian by the Greeks, the Pelasgians on the coast of Asia and in the islands of the Ægean, and the Etruscans. Herodotus, in one of his less fortunate moments, has referred to the Etruscans the story concerning the emigration of the ancient Tyrrhenians from Lydia, the Mæonians, who were Tyrrhenians, being confounded in a similar manner with the Lydians, who were foreign

conquerors and barbarians. The assertion of Dionysius, that the language of the Etruscans was a totally peculiar one, and bore no affinity to any other, is strongly confirmed by the inscriptions which remain in that language.

The term *Tusci*, although but another form of *Turini*, appears to have been in the time of Cato the name given to the people, and that of *Etruria* to the country. *Etrusci* in later times grew to be more usual in books. The simpler form of *Etruri* was probably the name given by the Italians to the conquerors of the *Tyrrhenians*: the name which they gave themselves was '*Rasena*.' In the age of their greatness the *Tuscans* occupied *Etruria* proper and the country about the *Po*; the *Rhætians* too, and other Alpine tribes, were of the same race, and mount *Brenner* appears to have been their northern boundary. But were these *Rhætians*, as the common opinion would make them, *Etruscans* of the plain, who had retired to the *Alps* on the invasion of the *Gauls*? Authentic statements in history, that the spreading of the *Etruscans* towards the south took place only by degrees, give more weight to the opposite opinion, that *Rhætia* was the original home of this people, from which it issued and spread first in *Upper Italy*, and then to the south of the *Apennines*. The western boundary of their territory was the *Ticinus*, where *Ligurians* were dwelling, whom the *Gauls* had driven back. *Romagna* was in the hands of the *Umbrians* till the *Gauls* broke in, but in the country between *Venetia* and the *Gauls* some *Etruscan* towns maintained themselves until they yielded to the *Romans*. *Verona* is called by *Pliny* a *Rhætian*, *Mantua* by him and by *Virgil* a *Tuscan* city: they were probably of the number of the twelve *Tuscan* towns to the north of the *Apennines*, amongst which *Hatria* gave its name to the upper sea; *Melpum* in the *Milanese* fell before the *Gauls* on the day when *Camillus* took *Veii*; and *Bononia*, under the name of *Felsina*, had been the

capital of the Etruscans, a fact which seems to argue that the nation did not spread from the south to the Apennines. The twelve cities south of the Apennines, which were united in a confederacy, as sovereigns of their respective districts, frequently as their number is mentioned, are no where enumerated by name. That the number whenever it fell vacant was filled up, just as was the case with the twelve Achæan cities or the thirty Latin towns, is probable from this circumstance amongst others, that in the list of the eight cities of the Etruscan state, which furnished supplies to Scipio's armament, we meet with the name of Populonia, which being a colony from Volaterræ was not amongst the original twelve cities.

The Etruscan state having been founded on conquest, the nobles held the descendants of the subjugated population in a state of clientship, like that of the Thessalian Penestæ. There was no free plebeian estate in any Etruscan city; it is but the shadow of a popular assembly at Tarquinii, which we find in Dionysius, and which was most probably taken from some Roman writer, whose idea of the constitution was formed on the relation of the curies to the commonalty of Rome. The general affairs of the nation were regulated by meetings of the Etruscan chiefs, the 'Lucumones,' a warlike sacerdotal class, like the Chaldæans. They were patricians, not kings. These ruling houses were exposed to those violent revolutions by which an oligarchy is every where threatened, even from the midst of its own body, wherever it is not upheld by some powerful protection, open or dissembled, from without. The want of a free and respectable commonalty was the occasion of the remarkable weakness displayed by the great Etruscan cities in their wars with the Romans, in which the victory was decided by the numbers and strength of the infantry. The same want led to the dominion of the serfs at Vulsinii: they had been armed by the ruling class during the Roman

war, and having contributed towards the obtainment of an honourable peace with Rome, turned their arms against their former masters. The regal office was not hereditary, as in Greece, but elective for life, like the Roman. A common high priest was appointed by the twelve cities, and presided at the national festivals: in enterprises of the whole body the supreme command was vested in one of the twelve kings, who received a lictor from each city, (Appendix B.) Casual and transient as was this union, it was sufficient to prevent war from ever breaking out between the cities.

The pirates, who infested the western seas before the founding of the Greek colonies, must have been Tyrrhenians. The Etruscan corsairs in their turn became equally formidable until their defeat before Cumæ by Hiero, king of Syracuse, U.C. 278, when their maritime power seems to have been annihilated, since during the next century they offered no resistance to the ravages of the Carthaginians and Sicilians on their coast. In the fifth century of Rome we find their piracies again extended even into the *Ægean* sea, when the naval power of the Athenians had sunk, and that of Rhodes was only beginning to rise. By destroying these Etruscan pirates the Rhodians earned the gratitude of the Greek nation. The treaties which existed between Carthage and the Etruscan maritime cities can only have been valid against nations who were not included by them in similar alliances: in the year 443, U.C., we find a thousand Etruscan mercenaries in the Punic army in Sicily.

The works of the Etruscans, the very ruins of which astonish us, had a great superiority over those of the Egyptians in this point, that they had universally a great public object; if the people suffered in the hard service of their task-masters, it was for no idle purpose. Such were the great works in Rome when governed by Etruscan kings; the dykes, by which the delta of the Po was constructed, the stream being guided into the

morasses of the Hadrians; and the tunnels, by which lakes formed in the craters of extinct volcanoes were so frequently let off. The works in bronze and clay may perhaps be attributed to their subject bondsmen; certainly, if the art did not originate with the Greeks, it owed its refinement to that nation. That the mythology and literature of the Greeks had spread into Etruria is not to be questioned. The Greek form of the theatre at Fæsulæ is a presumption that Greek dramas, either originals or translations, were performed there, as they were in Latium at Tusculum and Bovillæ. It was from Etruria that the music of the Romans was derived; like the minstrel of the middle ages, the Etruscan 'hister' danced and sang to instrumental music. The Etruscan characters were formed, like the Greek, from the same alphabet, amongst the various ones of different origin found in Asia, whence all the modes of writing used in Europe is derived: that it was received immediately from the Phœnicians would not be proved by the custom of proceeding from right to left; it had some peculiarities which are purely Punic, such as the want of the vowel O. The Phœnicians designated numbers by letters; not so the Etruscans. The numerals, which we call Roman, are Etruscan, and occur frequently on their monuments. They are the remnant of a hieroglyphical art of writing, which was in use before the age of the alphabetical, and, like the numerals of the Aztecs, represent some object, which was associated with a particular number.

The profane sciences of Etruria, her medicine, physics, and astronomy, were probably brought by the nation from the north, the seat of her gods. The extremely accurate measure of determining time by lunar computations and cyclical corrections is an extraordinary phenomenon in the Etruscan character. Their history, like that of the Brahmins and Chaldæans, was inserted in an astronomico-theological outline, according to which the human race of the present creation

has eight secular days assigned to it, each day to a fresh people. The Etruscan week consisted of eight days, and as it is highly probable that each secular day, like that of the Etruscans themselves, contained ten secles, or 1,100 years, 8,800 years made up a secular week. The next unit was a secular year of thirty-eight secular weeks, and was perhaps the period assumed for the duration of the universe. They taught that the expiration of each secular day was announced by wonders and signs intelligible to them; and thus we find that in the year 666, U.C., it was announced by the 'aruspices' that the secular day of the Etruscans was drawing to a close: according to this the Etruscan computation began 434 years before Rome. The epoch 666 answers with singular exactness to that at which the nation actually ceased to exist: it had been incorporated with the Romans a short time before, and was almost exterminated by Sylla eight years afterwards.

The interpretation of lightning was the peculiar secret of the Etruscans, whilst the Sabellians were the great masters in expounding the flight of birds. The Roman ritual books were most probably of Etruscan derivation, and were the fundamental text of the Pontifical law. On them the primitive constitution and the regulations relative to war and peace were based. The institutions, however, with reference to auguries and 'limitations' of land, were perhaps grounded on the religious books of the Sabines. The reverence for the Etruscan lore gave way ultimately before the growing taste for Greek literature. That the Etruscans were a luxurious nation is true, but the reproach of shameless profligacy, brought against them by Theopompus, must be rejected. The greatness of Etruria was at its summit about the close of the third century of Rome. In the next she lost the whole country on the north of the Apennines, in addition to Veii and Capena on the south. A great part of the fifth was passed in an irresolute struggle, never carried on with

warlike perseverance by any state except Vulsinii, against the prevailing star of Rome. The two next centuries were centuries of inglorious repose. Her heroic resistance to Sylla, and her fortitude in maintaining the full honour of the Roman franchise, has been consigned by the injustice of fortune to oblivion.

## CHAP. VIII.

## THE UMBRIANS.

The Umbrians were, without doubt, a great nation in the time of the Sicelians, and are justly called a most ancient and genuine people of Italy. According to Cato, their city Ameria was built nearly four centuries before Rome. Tradition represents them as at one time masters, not only of what retained the name of Umbria, but of the south of Etruria, and of the district occupied by the Sabines between the Apennines and the Tiber, whilst on the north-east slope of the Apennines they spread their dominion as far as the upper sea and the Po. In history we find them restricted to the left bank of the Tiber, with some scattered towns on the coast and near the Po, preserved to them, partly as Ravenna was, by her lagoons, partly by paying tribute to the Gauls. The Ombrica of the Greeks, bordering on the obscure regions of the Adriatic, is of a large and indefinite extent. In Herodotus it reaches to the foot of the Alps, whilst in the earlier geography of the poets it undoubtedly extended as far southward as mount Garganus. For us the name of the Umbrians is a great one that has died away; their independence seems to have passed away with the possession of the rich countries on the coast occupied by the Gauls. Umbria, within its contracted limits, served as the military road of the Gauls in their expeditions into Latium, and when the Romans turned their arms

against the Umbrian tribes, the contest was decided in a single engagement.

The Umbrian nation consisted of separate races. The Camertes we find standing alone in their friendship with the Romans. The Sarsinates, on the other hand, fighting singly against Rome, supplied her with occasion for two triumphs. In order to treat with the Umbrians, the Romans, in the fifth century of the city, employed an envoy acquainted with the Etruscan language. The characters on the coins are likewise Etruscan; yet on the Iguvine tables, the language, which passes with good reason for Umbrian, is different from the Etruscan, and the characters are Latin. To us these inscriptions are unintelligible, although they contain a number of words which, if not Latin, seem cognate to Latin; and if the conjecture, which will be communicated further on, as to the stock of the Umbrians, is well-founded, it could not fail to contain such. The purity with which the Sarsinate poet Plautus wrote Latin, seems also to suggest that the language of his countrymen, like the Oscan spoken by Nævius, bore an affinity to the Latin.

## CHAP. IX.

### IAPYGGIA.

Iapygia embraced the south-east of Italy, from the Siris to mount Garganus, immediately beyond which Ombrica was most probably placed by the early geographers. The inhabitants were divided by the Greeks into three distinct tribes, the Messapians, the Peuce-tians, and the Daunians; the first on the peninsula to the east of Tarentum, the Peucetians to the north of them along the coast from Brundisium to Barium, and between this and mount Garganus the Daunians. The Messapians were also subdivided by Strabo into two

tribes, the Sallentines and the Calabrians, to the latter of whom the national name of Messapians is sometimes confined, as that of Ausonians was limited to a single tribe, a part of the whole people. In an ancient statement of Scylax, that there were five tongues in Iapygia, we recognise two of the tribes in the Opicans or Apulians, and the Peucetians, two who are spoken of as Leuternians and Brentesines are the Sallentines and Calabrians, and the fifth, the Cramonians, was a remnant of Chonian Ænotrians between Heraclea and Tarentum.

The Messapians were supposed very generally to have been Cretans, at least that division of them known as the Sallentines; as for the Calabrians, it is by no means improbable that they were foreign invaders, by whom the Sallentines were expelled from Brundisium. There may be some ground for the tradition that the earlier inhabitants of Tarentum, on being overpowered by Phalanthus and his Laconians, had retired to Brundisium. About two centuries and a half later, when the Greek city had grown powerful, it attempted to destroy the towns of the Messapians, and to reduce the people to servitude. But in this war the power of Tarentum met with a fearful overthrow, and the Messapians extended their dominion as far as Ænotria. The jealousy caused by the great increase of their power brought on the league of the Peucetians and Daunians with the Tarentines, before which the Messapians fell. In the fifth century of Rome the Messapians placed themselves under the protection of Tarentum, by an alliance recognising their own inferiority.

The Peucetians appear to have been a Liburnian colony from Illyria; the Daunians, a colony from Ætolia. In the legend, Peucetius, Iapyx, and Daunus are brothers. Various traces of the earlier settlers being Pelasgian are afforded by the names Argyrippa and Sipontum, and by the places reported to be of Argive origin. The Daunians, who appear in after times as a

part of the Apulians, had been subjugated by the original Apulians, who were Opicans by name and descent. The Greek character of the arts and manners of the country still remained, and in the time of Strabo no difference could be observed between the Daunians and the genuine Apulians.

When Pliny divides the Apulians into Teanians, Daunians, and Lucanians, he means, most probably, by the latter the Sabellian tribes which had occupied some towns in Apulia. At what time the Peucetians lost their independence seems uncertain; the Daunians were divided under the sovereignty of a few great cities at the time when the Roman arms were turned in that direction. The language of the Messapians and other inhabitants of Iapygia was Greek: as in Sicily, the nobler language had prevailed over that of the earlier inhabitants. The Apulian works of art are also Greek, although in some respect they retain a peculiar character.

## CHAP X.

### THE GREEKS IN ITALY.

The earliest Greek settlement in Italy, of which history takes notice, is that of the Chalcidians at Cumæ, originally planted on Ischia and the adjacent small islands. Dicæarchia, on the hill above Puteoli, and Parthenope, were founded by Cumæan colonies. If the Samians actually settled at Dicæarchia, their assistance might have been welcome to the Cumæans under the pressure of the Tyrrhenian wars (Appendix C.) Rhegium was planted by the Cumans in common with other Chalcidian colonists in Sicily: and from this place Micythus proceeded to found the latest of the Chalcidian towns, Pyxus, in the territory of Sybaris. A body of Eretrians established themselves on the islands of Pi-

thecusæ, which the Cumans had abandoned, and from them came the settlers of Neapolis. Its name implies that it was a more recent city than Parthenope, which was afterwards called Palæpolis.

The oldest Greek city in Ænотria was Locri, founded immediately after the first Messenian war, (Ol. 14. 1.) That its dominion was soon extended over the whole country between the two seas, is testified by the foundation of Hipponium and Medma on the other coast. The story about the origin of the founders of Locri, and of the colony of Phalanthus at Tarentum, (Ol. 18. 1.) as well as that about the followers of Theras, induce us to suspect, that the sons of marriages of disparagement, contracted where no right of intermarriage existed between the parties, were at that time disturbing the peace of several of the aristocratical republics, and that measures were taken to send them to a distance.

Heraclea appears to have been a colony of Tarentum, and Thurii partly so. In Messapia, Callipolis was probably connected with her, and so was Hydrus, if it was really an Hellenic town. The two Achæan cities Sybaris, and Croton, were contemporaneous settlements, (Ol. 19. 2.) The former was mistress of the country called afterwards Lucania, and founded Posidonia and Laos: the latter, possessing the north of Bruttii, founded Caulon on the south towards Locri, and Terina on the western coast. Metapontum was subsequently built by an Achæan colony, invited over by the Sybarites; and these three great Achæan cities, and probably their four colonies, were united in a league similar to the one which existed amongst the Achæans.

Elea was built by the Phocæans, when Sybaris was at the height of its power, on a coast where they could not possibly have settled without the permission of the Sybarites. Elea was singularly fortunate in not falling under the power of the Lucanians; it was the only town between Neapolis and Rhegium which held out

against them: even the Romans respected it. Another earlier body of fugitives from Ionia, the Colophonians of Siris, seem to have perished simultaneously with their protectress Sybaris. The latest Greek colony on this coast was Thurii, a common settlement of the whole Greek nation: two generations afterwards Ancona was founded higher up the Adriatic, either by some Syracusan fugitives, or by the Syracusan tyrants who planted Greek colonies at Issa and Adria, and perhaps at Pisaurum.

The Greek colonists were mostly unmarried freebooters, who won for themselves lands and wives with their swords: their posterity was a mixed race, like the descendants of the Spanish conquerors in America. The needy, who flocked afterwards to a country where abundance of fertile land was to be obtained, were gladly admitted, but assuredly not to an equality of rights: their allotments were more distant, and their franchise was certainly an inferior one. The descendants of the original conquerors appear to have been alone eligible to any magistracy; the other settlers, whether Greeks or foreigners, may have been moulded into a constituency, sharing the right of electing to offices, but themselves ineligible: the peasantry were serfs. The connection between this aristocracy and the Pythagorean religion was unquestionable, although its nature was mysterious; the three hundred Pythagoreans at Croton were probably the senate. The dreadful revolutions which broke out in all the Greek cities of Italy about the same time, were caused by the retention of all the old institutions unchanged, when they had lost their life and substance. The fall of Sybaris, the first irremediable wound of Magna Græcia, was followed by the bloody revolutions in which Croton was itself worn out: the advance of the Lucanians into Cœnотria, and the wars of the elder Dionysius against the Italiots, contributed to the destruction of the Greek towns. The ruinous protection of the Greek tyrants

was subsequently almost as fatal as the ravages of the Lucanians and Bruttians.

## CHAP. XI.

### THE LIGURIANS AND VENETIANS.

The Ligurians are one of those nations which the short span of our history embraces only in their decline. From the various traces of them it seems probable that this people were dwelling of yore in the country from the Pyrenees to the Tiber, with the Cevennes and the Helvetian Alps for their northern boundary. Of their place in the family of nations we are ignorant ; we only know that they were neither Iberians nor Celts. Cato, who wrote when the Romans had just completed the task of subduing them, may have been misled to stigmatise them as illiterate, lying, and deceitful, by the exasperation consequent on the mutual devastations of warfare. The long period of forty years, during which the contest was carried on, and tribe after tribe subjugated or exterminated, confirms the statements of other writers as to their indefatigable patience as well as their boldness and dexterity. The Venetians, at this time, appear to have been a rich and unwarlike race ; they resigned themselves to the protection of Rome without a struggle ; perhaps the incursions of the Gauls suggested a wish for foreign protection. The commercial and trading spirit of Venice was inherited from her parent city Patavium, whose Trojan origin was derived from the cyclic poets. The opinion of Herodotus, that the Enetians were an Illyrian race, leads us to conjecture that by Illyrians he meant Liburnians ; and we may suppose Virgil to term the Venetians Liburnians, for the innermost realm of the Liburnians must surely be the goal at which Antenor is said to have arrived. The affinity between the

name of Ligurians and Liburnians is so close as almost to suggest an attempt to establish a connection between these two nations. The Sigynnæ were the only people on the banks of the Ister, beyond the Venetians and Liburnians, whom Herodotus could hear of: this information probably came from Venetian and Liburnian mariners, and he knew that this was the name for merchants in the Ligurian tongue. It is possible that those mariners meant to say that they were acquainted with none but merchants from those parts, and that Herodotus designed to intimate this. In an inscription said to be Venetian, the character is an artificial variety of the Etruscan.

## CHAP. XII.

### THE THREE ISLANDS.

In Corsica, besides the Ligurians, we find Iberians. The Sicanians too in Sicily are termed Iberians by every author: the only dispute was as to their original home. They themselves asserted that they were an aboriginal native race, an idea which is supported by Timæus, who is followed by Diodorus. Thucydides, on the other hand, with whom Philistus concurs, gives great weight to the tradition that they had been expelled by the Ligurians from Iberia, by his positive assertion of its being ascertained as truth. As to the Sicelians, they were without doubt Ænotrians, who had emigrated from Italy. The Elymians were of Trojan origin; perhaps some Phocæans were intermingled with them. The planting of Greek colonies gave to the island a Greek character, in like manner as the dominion of the Carthaginians gave a Punic character to Sardinia. The genuine Sardians were divided into three tribes, the Iolaans or Ilians, the Balarians, and the Corsicans. The two last names evidently have

reference to the Balearic isles, and to Corsica. Besides this mark of Iberian extraction, an Iberian colony was said to have been founded at Nora. The third tribe, which has been referred to Iolaus, and his kinsmen the Thespiads, or to a Trojan colony, according as the name of Iolaans or Ilians is adopted, is said by Pausanias to have borne a resemblance to Libyans. The Tyrrhenians, who are reported to have inhabited Sardinia before the Iolaans, were probably Pelasgians. There are, in addition, traces of Cyclopiian walls of a peculiar structure in this island, which undoubtedly can be ascribed neither to the Carthaginians nor to the Iolaans.

### CHAP. XIII.

#### CONCLUSION.

No one can mount up to the fountain-head of those streams by which the tribes of the human race have been borne down: still less can any eye pierce across the chasm which there severs that order of things wherein we and our history are comprised, from an earlier one. That a prior race of mankind has passed away, is a general popular belief, and it was shared and cherished by the Greek philosophers; but, whilst the latter supposed that a few had been preserved, like embers, from the general ruin, and that from them a new race of mankind had sprung and spread by degrees over the desolated earth, the people regarded the renewal of the life of man as a new creation, as we see exemplified in the Laï of Deucalion, and the Myrmidons of Æacus; and the extinct race were deemed to have been rebels against the heavenly powers, led astray by the consciousness of their enormous strength: thus the Greeks dreamt of the Titans of Phlegra, and the Italians fabled of the Campanian giants.

The uniform notion, however, was, that the times of the giants were not parted by a gulf from those of the present human race, but that the latter gradually gained the upper hand, whilst the former expired as gradually. The simpleness of the understanding identified this race as the architects of the enormous walls and other works, the epoch of which is removed far beyond the limits to which our history reaches back. Yet, in the absence of historical certainty, much may be achieved by a careful analysis of what has been handed down in national legends and traditions, if they are detached from their dates and from whatever else is most exposed to arbitrary and falsifying alteration, and if we do not suffer ourselves to be disturbed by partial incongruities, when there is no contradiction in the main. And thus with reference to the tribes which flourished in the earliest times of Italy, we arrive at results which enable us to survey the most important turn of their destinies, and which carry us so far forward that even beyond the Alps some of the national movements in the west and north of Europe come within our widening horizon. The Pelasgians, under which general name it seems that in Italy the *Æno-*trians, the *Morgetes*, the *Siculians*, the *Tyrrhenians*, the *Peucetians*, the *Daunians*, the *Liburnians*, and the *Venetians* may be ranked, surrounded the *Adriatic* with their possessions no less than the *Ægean*; that tribe of them which left its name to the lower sea, having dwelt along its whole coast up a considerable way into *Tuscany*, had also a settlement in *Sardinia*; and in *Sicily* the *Elymians*, as well as the *Sicelians*, belonged to the same stock. In the interior of Europe the Pelasgians were settled on the northern side of the *Tyrolese Alps*, and, under the name of *Pæonians* and *Pannonians*, extended as far as the *Danube*; that is to say, if the *Teucrians* and *Dardanians* were of the same race. In the very earliest history they are standing at the summit of their greatness; the legends that tell of

their fortunes exhibit only their decline and fall. Jupiter had weighed their destiny and that of the Hellenes, and the scale of the Pelasgians had risen. The fall of Troy was the symbol of their fate.

As on the east of the Adriatic the Illyrians press forward from the north, until they are arrested by the mountains of Epirus, so the Tuscans, being driven onward by the Celts and Germans, come down from the same quarter out of the Alps into Italy: in the west of Lombardy they found the Ligurians reaching as far as the lake of Garda. These, at that time, were one of the great nations of Europe, possessing the country thence to the foot of the Pyrenees: before this they had also inhabited Tuscany. They now retired from the plains on the north of the Po, behind the Ticinus, and into the Apennines. The invaders, pursuing their conquests, expelled the Umbrians both out of Lombardy, south of the Po, and from the inland part of northern Tuscany; from the sea coast, and the south of Etruria as far as the Tiber, they drove the Tyrrhenian Pelasgians. This limit they reached about the time which we mark as the first third of the second century of Rome. The impulse of the Tuscan irruption set in motion all the nations then in possession of the country from the Po to the summit of the Apennines, and forced the Cascans and Oscans, who were pressed onward by the Sabines, upon the Sicelians. And as the Pelasgians on the Tyrrhenian sea were expelled or subjugated, so their other tribes experienced the same fate in Ænotria from the Greeks; in Daunia from the Oscans; higher up along the Adriatic from the Sabellians and Umbrians; and the continued progress of the Sabellians subsequently occasioned the Ausonian Opicans to attack the Latins, a people sprung from an earlier emigration of other tribes belonging to their own race. The further changes do not require a summary.

## THE PRELIMINARY HISTORY OF ROME.

## CHAP. XIV.

## ÆNEAS AND THE TROJANS IN LATIUM.

The real object of an investigation concerning the Trojan colony in Latium is not to decide with historical probability, whether such a colony actually settled on that coast or not, an event five hundred years antecedent to the time when all is still fabulous and poetical in the history of Rome, but to determine, whether the Trojan legend is ancient and homesprung, or adopted by the Latins from the Greeks. If we refer to the series of Greek poets from the building of Rome, we may clearly perceive the several steps in the development of this story. Arctinus of Miletus, a poet contemporary with the era of the city, merely related that Æneas and his followers abandoned Ilium, and withdrew to mount Ida. In the latter half of the second century we find poets, who relate how Æneas emigrated and embarked with his followers for Hesperia. In the fourth century, the existence of other Trojan colonies besides that of Æneas, such as the Elymians, was regarded by the Greeks as historically certain. In the fifth century, the story of the Trojans settling in Latium and uniting with the Aborigines seems to have been fully adopted; and after the expedition of Pyrrhus, as a descendant of Æacus, into Italy, to wage war on the posterity of the Trojans, the belief of the Trojan colony was quite universal among the Greeks. The Trojan gods were considered by Timæus to be identical with the Penates of Lavinium, and the 'October Equus' to be a memorial of the wooden horse of Troy.

The earliest tradition, however, which was current amongst the Greeks, was, that the Latins were one of

the ancient Greek colonies founded in various places by Greek castaways, after the Trojan war. This then, of which we may certainly consider Hesiod as the representative, since he assigns Latium to Ulysses and his sons, Latinus and Agrius, excludes the Trojans from it; whilst, according to a very old tradition, the Trojans had brought the Palladium with them to Siris, in Ænotria. It was not till the destruction of that city by the Ænotrians, U. C. 75, when a new refuge for the sacred treasures was needed, that any thing was said by the Greeks regarding a more distant migration of those who had escaped from Ilium. To a Teucrian, like Cephalon, writing the history of his own nation, such a report would be most acceptable. It is, however, extremely improbable, from the early existence and general recognition of the Trojan legend, that it should have been borrowed from abroad. The fable of Ulysses coming to Latium is clearly connected with the Tusculan origin of the house of the Mamilii, who deduced their lineage through Telegonus from Circe.

Although the sacrifice to Jupiter Indiges is not of necessity identified from its earliest origin with the worship of Æneas deified, yet the belief, that the Penates of Lavinium were Trojan images of clay preserved in the temple, is of great importance. About the commencement of the sixth century of the city we find the Romans stipulating for the freedom of the Ilians, as the descendants of the progenitors of the Romans, and soon afterwards we find the Romans protecting the Ilians as their countrymen, and sacrificing in the citadel of Ilium as their mother country. These Ilians, however, were an Ætolian colony originally, mixed up afterwards with a concourse of various races.

The combination of evidence is decidedly in favour of the Trojan legend being homesprung; yet in spite of this there is not the least historical truth, nor even the slightest historical importance in it. The origin of

the tradition may however be referred to the affinity which existed between the Trojans and the other Pelasgian tribes, such as the Arcadians, the Epirots, the CEnotrians, and the Tyrrhenian Pelasgians. That the Penates of Lavinium were the gods of Samothrace was an opinion almost universally received; the Samothracians, as well as the Ilians, were recognised as kinsmen by the Roman people, and in the holy isle of Samothrace the citizens of Cortona and Placia may have conversed, and the Lavinians and Gergithians may have mutually awakened and strengthened the conviction of their kindred through their common ancestor Æneas. The superiority maintained by the religion of the Tyrrhenians and by the arms of the Cascans when the two nations became united into one, is implied in the line

*Sacra Deosque dabo; socer arma Latinus habeto.*

A belief of this kind would soon give rise to a national legend, and this would be gradually adulterated into a tale of something historically possible. The account of the vicissitudes of the Trojan emigrants is borrowed chiefly from Nævius. Varro's story bears occasionally the marks of sources and times totally different. According to Cato, Æneas and Anchises gave the name of Troy to the first settlement, which did not stand where Lavinium was afterwards built: and when Latinus gives 700 jugers of land to the Trojans, the measure of a plebeian hide of land is traced back to the very first origin of the Latin nation, and it is intimated that there were only one hundred Trojans. Æneas was supernaturally guided from the barren sandbank of his first settlement to a more fertile spot. The thirty young ones of the pregnant sow, intimated not only the site of the future city of Lavinium, but the number of years before Alba should become the capital in its stead, as well as the number of the Latin townships.

The poetical story now passes over centuries to the

epoch of the Etruscan dominion in Latium. Mezentius, the Etruscan king of Cære, brought succours to Turnus; and Æneas, as king of the whole Latin nation, advanced to oppose him on the Numicius. Turnus fell, but the Latins fled. Æneas disappeared in the stream, and was afterwards adored as Jupiter Indiges. Mezentius ultimately fell by the avenging hand of Iulus, nor was Ascanius introduced till late, and out of Greek books. The descendants of Æneas became lords of Latium.

The difficulty which beset the path of Virgil in forming his epic poem was, that his argument, unlike that of Homer, had not lived for centuries in popular songs and tales as the common property of the nation. Great as was his talent for embellishing, his genius wanted fertility for creating, and the shadowy names for which he was forced to invent characters, are not raised into living beings like the heroes of Homer. His exquisite and extensive erudition so much admired by the Romans, and by which he was enabled to put together his materials elaborately and by piecemeal, and then varnish them over so as to deceive the unpractised eye, is little appreciated by posterity; and it was the fretting misgiving of this, by which he was induced at the approach of death to wish for the destruction of that work which he could not but view with melancholy regret as the groundwork of a false reputation.

## CHAP. XV.

### ALBA.

Three years was the period allotted for the duration of the little Troy on the Latian shore, until the two nations should unite and build Lavinium. Thirty years afterwards, the successor of Æneas led the La-

tins from the unhealthy low grounds on the coast to the side of Monte Cavo, where Alba stretched itself out on the long ridge between the mountain and the lake. But this account stands and falls with the Trojan legend. Another tradition, that Lavinium was founded by the Albans in union with the Latin nation, has been obscured by it, but may still be recognised; and the six hundred families sent forth to found it may be explained on the supposition, that each of the thirty Alban hamlets and each of the thirty Latin towns sent forth ten families, or rather that a connection subsisted in consequence of which this was supposed to have been the case. Lavinium, as its name implies, was the seat of congress for the Latins, who were also called Lavines, just as Panionium was for the Ionians in Asia. From not observing the distinction between these two unions, each consisting of thirty places, the whole body of which might be called Latin, historians have been guilty of glaring contradictions in asserting, that all the Latins proceeded from Alba, as colonies founded by Latinus Silvius, and known as Prisci Latini, when Tibur, Laurentum, and Ardea, which existed long before Alba, belonged to the Prisci Latini and to their thirty towns. The 'populi Albenses' were the thirty colonies of Alba, which partook with the Latins in the flesh of the victim on the Alban mount. They were the boroughs of a free commonalty, analagous to the thirty plebeian tribes under the legislation of Servius, and stood in a dependent relation to Alba. No building erected by the ancient Albans has left any visible ruins. Of the temple of Jupiter Latinus even the very foundation walls have been destroyed, but the Fossa Cluilia, a portion of a great dyke which carried off the waters from the foot of the Alban hills and thus fertilised the Campagna of Rome, may be recognised in the Marrana: it was the work of the Alban dictator Cluilius.

The list of the Alban kings is a very late and clumsy fabrication; the number of the years of their dynasty coincides so exactly with the canon of Eratosthenes, as of itself to show the late age of the imposture. The arithmetical progression of 3, 30, 300, was not a mere invention of Virgil; Trogus Pompeius assigned 300 years for the duration of Alba, which agrees with Livy's statement. This, however, was not the only chronological statement at variance with that of the Greeks. Servius records 360 years as the period which elapsed between the fall of Troy and the building of Rome. Now we find two other statements, the combination of which leads us to this second number, and at the same time reconciles it with the former. The first is, that Æneas lived seven years after the fall of Troy, engaged in his wanderings or in war: the second, that Silvius could not obtain possession of his throne before his fifty-third year. Now, if the Latin tradition made Silvius the founder of Alba, and 300 years the interval between the building of Alba and that of Rome, then, in order to introduce him into the Trojan legend, it would be requisite to keep Silvius out of his throne fifty-three years. From Silvius, their maternal ancestor, the Roman tradition derived the founders of the city, but it did not call the Romans a colony from Alba.

## ROME.

### CHAP. XVI.

#### VARIOUS TRADITIONS CONCERNING THE FOUNDING OF THE CITY.

Among all the Greek cities built after the return of the Heraclids, there was none so insignificant, that Ephorus and subsequent authors of a similar class did not give an account of its origin and in most cases fix the epoch of its foundation. The reverse, however, is

the case with Rome. The story of her foundation, and the people from whom the eternal city originally sprung, are the very points about which we are most ignorant. But whilst it was suited to the eternal city that its roots should lose themselves in infinity, the godlike origin of her founder was no less in accord with the majesty of Rome.

Full as may be the claims of the heart and of the imagination to acquiesce in this, it is however no less the right of reason to refuse its assent to the admission of any thing as historical which cannot possibly be so, and, without excluding that noble tradition from the threshold of history, to enquire into the true origin and rise of that state which with the dawn of historical truth is Rome.

It was natural for the pride of the inhabitants, as their town rose from insignificance, to seek into the dark antecedent period for a founder, and to call him Romus, or with the inflection so usual in the language, Romulus. If a kindred race inhabited a neighbouring town called Remuria, and after alternations of friendship and hostility, at last became subject to their arms, its founder Remus might easily be considered the twin brother of Romulus, slain by him in a fit of passionate irritation. The notion of twin founders would gain strength with the development of the peculiar character of the double state. This notion was peculiarly adapted to Rome, and must have sprung up on the very site of the city, if we regard the relics and local circumstances of which foreigners could know nothing. How many generations passed away before what began as poetry became popular belief, we must be satisfied to remain ignorant of: there is however no doubt that Romulus was in the earliest annals represented as the first king. The bronze figures of the she-wolf and the babes, set up near the ficus Ruminalis (U.C. 458) is a testimony of the belief of the people being recognised by the state. The tradition however gradually

received modifications in its outlines. By Nævius and Ennius the unfortunate princess was called Ilia, the daughter of Æneas, and from these authors principally the description of Virgil was framed. Perizonius has shown, that the mother of Romulus when called Ilia, is always the daughter of Æneas, when Rea Silvia, an Alban princess, and that Rea is never called Ilia. Rea Silvia has no connection with Æneas. The tradition concerning her is probably more ancient than that concerning Ilia, inasmuch as the computation of 333, or 360 years between Troy and Rome is a century and a half older than Nævius. When the Grecian computations, which extended that interval to between 430 and 440 years, became generally known, Ilia necessarily disappeared: she must have been imported into Latium by some unknown Greek.

Numerous are the stories, which the Greek writers invented to vary the simplicity of the native legend, and which might be passed over without any material loss to history. We must, however, except from these fictions the mention made of Rome by Antiochus, who in his relation that Siculus was flying thence when he came to the Italian king Morges, designates Rome to have been one of the chief cities of the Tyrrhenian Siculians. Connected with this view is the statement that Rome was founded by Pelasgians. They who held this people to be Greeks said, that, being a warlike race, they gave to their city a name expressive of vigour, whilst such as looked on them as an Italian tribe fabled of Valentia, which the new possessors, Evadner and Æneas, exchanged for the corresponding Greek word Roma. Another legend states, that the author of the name was Romus, a Latin tyrant, who expelled the Tyrrhenian Pelasgians out of this region. With these few exceptions, the Greeks who mentioned the founding of Rome before Timæus, were unanimous in placing the date of its foundation not long after the fall of Troy, but as to the founders they

differed, some talking of Trojans and Aborigines, and others contending for Greeks. Of the advocates of the first opinion few name Æneas as the founder, but the greater number Romulus more or less remotely his descendant. Motley as are the changes which all the other circumstances undergo in the Greek stories, they speak of the two brothers very early.

The second opinion, which makes Rome a Grecian city founded at the time of the return from Troy, is held by Aristotle, and is implied in the tale that a son of Ulysses and Circe was the founder of Rome. When Heraclides Ponticus and Demetrius Poliorcetes speak of Rome as a Grecian city, they have regard without doubt to this legend, and allude to the Greek extraction of their powerful barbarian opponents, as the last refinement of Greek flattery. Apart from all other Greek writers stands Scylax, who ascribes Rome to Etruscans, and other writers alluded to by Dionysius, who probably meant Etruscans when they ascribed Rome to the Tyrrhenians.

Timæus was the first of the Greek historians, who introduced Romulus and Remus as the descendants of Æneas. Callias, the historian of Agathocles, who wrote a few years before Timæus, spoke of them as the sons of king Latinus by a Trojan heroine Roma. Timæus could not have adopted his opinion, as he makes the foundation of Rome contemporary with Carthage, and dates the latter 380 years after the fall of Troy. Perhaps, however, the same account was also given by Hieronymus of Cardia in his history of Alexander's successors, written about the time of Timæus, to which Dionysius alludes as well as to Timæus and Polybius. The old Grecian legend was received by the philologers and readers of antique curiosities, who sprang up at Alexandria and refused to draw from any source but the early literature of Greece.

## CHAP. XVII.

## ROMULUS AND NUMA.

The old Roman legend ran thus : Procas king of Alba left two sons ; Amulius the younger wrested the government from his elder brother Numitor, and to secure the possession of it murdered the son of Numitor, and appointed Silvia, his daughter, one of the vestal virgins. Mars, however, overpowered the timid maiden in the sacred grove where she had gone to draw water from the spring for the service of the temple ; he did not, however, protect her against the tyrant, who ordered the mother and her twin babes to be drowned in the river. In the Anio, Silvia exchanged her earthly existence for deity : the children were borne onwards in their cradle into the Tiber, and were deposited, as that river subsided from its overflow, at the foot of the Palatine hill, beneath the Ficus Ruminalis. A she-wolf suckled them, and a woodpecker, the bird sacred to Mars, brought them food, till Acca Laurentia, the wife of Faustulus, who discovered them whilst tending the royal flocks, became their foster-mother. Amongst her twelve sons, and the other shepherd lads, they soon became distinguished for their intrepidity ; the adherents of Romulus received the name of Quinctilii, those of Remus that of Fabii. In a dispute with the shepherds of Numitor, who fed their flocks on the Aventine, Remus was taken prisoner by a stratagem, and dragged to Alba as a robber ; but Numitor was restrained from a hasty sentence by some internal foreboding, till on the arrival of Romulus an explanation took place, and the youths, in order to avenge the wrongs of their house, with the assistance of their comrades slew Amulius, and restored the kingdom of Alba to their father Numitor.

Such is the old tale as written by Fabius, and sung

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in ancient sacred lays down to the time of Dionysius. It is essentially marvellous, yet not without a hidden foundation of real truth. Love for the home which fate had assigned them, recalled the youths to the banks of the Tiber to found a city. Their first citizens were the shepherds their old comrades. The story of their being joined by Albans and by Trojan nobles is no part of the old tradition. The brothers being of equal power and authority disputed next as to whether the name of Roma or Remuria should be given to the city, and whether the Palatine or the Aventine should be the site of it. The most favourable augury was to decide the question. Remus had the first augury, six vultures; the double number of twelve, which afterwards appeared to Romulus, gave rise to another dispute, in which the party of Romulus being stronger confirmed his usurpation. This augury of the twelve fated birds was perhaps originally a poetical mode of expressing an old Etruscan prophecy that a period of twelve secles was allotted to Rome. It was so explained by Vettius a celebrated augur in the time of Varro. The prophecy was not forgotten in the twelfth century of the city, between the fourth and fifth of our era, when all the adherents of the old religion were filled with alarm. This period, however, although replete with calamities, would have been rejected by a Tuscan aruspex, who, calculating 1320 years for twelve secles, would have referred the accomplishment of the prophecy to the latter half of the sixth century of our era, when Rome, having been disarmed for ever, exchanged her temporal for a spiritual empire. The Tuscan seer would perhaps have interpreted the six secles corresponding to the legitimate augury of Remus, as signifying the duration of the legal and free constitution, and have reckoned them down to the time of Sylla or of Cæsar. The anniversary of the foundation of the city was celebrated on the festival of Pales, the 21st of April.

Romulus having determined the pomerium by a furrow round the foot of the Palatine, inclosed the city with a wall and a ditch. Remus still resenting his wrong, leapt in scorn over this puny rampart, and was slain by Celer or Romulus. The grief of Romulus for this action was soothed by the appearance of the shade of Remus, and, as a permanent mark of honour to his memory, a second throne, with all the ensigns of royalty, was set for him by the side of the king's.

As the new city was open to receive every stranger, and the conflux of people was soon very great, Romulus endeavoured to form treaties of intermarriage with the neighbouring states. These, however, refused to listen to his proposals, and added insult to their refusal. In their haughtiness, conceiving that they had humbled the pride of the new settlers, they flocked without suspicion to the Consualia; here neither religion nor the laws of hospitality protected the deceived strangers, and their maidens were carried off. The old legend spoke of no more than thirty captives. The nearest of the outraged cities which belonged to the Latins or Siculians, Antemnæ, Cænina, and Crustumerium, took up arms, and were successively defeated. At last the Sabine king, Titus Tatius, led a more powerful army against Rome, and Romulus, unable to resist him in the field, withdrew his forces into the city, over against which stood the Capitoline hill, separated from it by a swampy valley. Tarpeia, the daughter of the governor, was dazzled by the golden bracelets and collars of the Sabines, and admitted them within the fortress. She expiated her crime by her death, being crushed beneath the load of the ornaments which they heaped upon her: yet her grave was to be seen on the hill. Those who could not conceive how such an honour could be paid to a traitress, forgot that the hill continued in the hands of the Sabines. The remembrance of her guilt is still living in a popular legend, and "*la bella Tarpeia*" is still in the mouth of the common

people, who for many centuries have been strangers to Clælia and Cornelia.

In the conflict which ensued, when victory was still shifting from one army to the other, the Sabine women rushed in between the lines and brought about a peace. One state was formed of two nations, as Romans and Quirites, having common temples and religious ceremonies, yet each continuing distinct and under its own king. In commemoration of the preservation of Rome, Romulus assigned various honours to the whole class of matrons. The Sabines built a new city on the Capitoline hill and on the Quirinal, and Tatius resided in the former, and dedicated temples to his native gods. The two kings and their senates met for important deliberations between the Palatine and the Capitoline, and the ruling houses in their combined assemblies must have done the same; hence the name of comitium. Tatius was not long after killed at Lavinium, by some Laurentines; his grave was on the Aventine. Henceforward Romulus reigned alone over the two nations. This is the end of the heroic lay, which, beginning with the establishment of the asylum, forms a poetical whole. The long account of the Etruscan wars which intervened before the death of Romulus, and spread over a period of thirty-seven years, is quite of a distinct nature, unhistorical, clumsy, and fabulous as the romances of chivalry, without the spirit and features of a poem: this, and the account of the subsequent tyranny of Romulus, is but a sorry addition. The full splendour of the poem again breaks forth when Romulus is removed from the earth, and the lamentation of the people gives way to religious reverence for the god Quirinus.

Such were the main features of the traditional tale as it was held sacred for centuries by the Romans, and commemorated in sacred songs. But there came a time, when writers, whom Dionysius and Plutarch mention with approbation as rational men, wished to gain the whole of the mythical age for history, and

thinking that poetical stories always contained a dry core of historical truth, sought to bring it to light by stripping it of every thing marvellous. At the head of these was most probably L. Piso, the contemporary of the Gracchi. The results of these attempts were extremely various. In the legend of Romulus the principal turn has been given by Livy. This writer has justly condemned to deserved obscurity the explanation of the poetical tale of Silvia and her children, but unfortunately has preserved the secret anecdote of Romulus having been torn to pieces by the senators. That a story so atrocious should have been fabricated in ancient Rome is an instance how the feelings are poisoned by party animosities: the patricians were held to be capable of the worst atrocities. In the later writers the death of Remus was made out to have been a mischance during a civil feud; and the Sabine war was lengthened out to a hard-fought campaign. To this war the origin of the Curtian lake was transferred by Piso, and by the same author Tarpeia's motives were represented as proceeding from patriotic heroism. Livy himself has sometimes not been on his guard against the enormous numbers fabricated by Valerius Antias, as, for instance, with regard to the military force which Romulus had at his command before his death.

The senate on the death of Romulus wished to retain the supreme power in their own hands, and each senator was to enjoy the regal sway in rotation as interrex. A year passed away in this manner, when, as the people would no longer submit to this arrangement, after some dispute it was decided that the Romans should select a king out of the Sabines, and their choice fell on the wise and pious Numa Pompilius of Cures, to whom Tatius had given his daughter in marriage. The persuasion that Numa had been the disciple of Pythagoras, seems to have been generally diffused at Rome in the time of Polybius. His attempt to prove the impossibility of the fact by a chronological

deduction is evidence that he can hardly have learnt that by oriental writers Pythagoras was referred to the reign of Asarhaddon who was contemporary with Numa. The popular opinion was borne out by the erection, during the Samnite war, of a statue to Pythagoras as the wisest of the Greeks; by the Greek books found in Numa's grave at the foot of the Janiculum, and said to have contained Pythagorean doctrines: and by the fact that the Æmiliï traced their origin to a son of the Grecian sage. That the influence of the Pythagoreans had penetrated to Rome was a current opinion.

When Numa was assured by the auguries that the gods approved of his election, his first care was directed, not to the rites of the temples, but to human institutions. He divided the land, which Romulus had conquered and left open to occupancy, and he founded the worship of Terminus: having thus guaranteed the security of property, he proceeded to legislate for religion. Under the instruction of the nymph Egeria, he drew up the whole of the Roman ritual law, the regulations for the hierarchy, and for the worship and prayers of the people. The thirty-nine years of his reign, which glided away in quiet happiness, afforded no legends but of the marvels proceeding from the favour of the gods. The temple of Janus, his work, continued always shut; peace was spread over all Italy, until Numa, like the darlings of the gods in the golden age, fell asleep full of days: Egeria melted away in tears into a fountain.

## CHAP. XVIII.

### BEGINNING AND NATURE OF THE EARLIEST HISTORY.

The keepers of the Sibylline books recorded that the first secular festival after the expulsion of the kings was celebrated U. C. 298, and that from that time forth

it always recurred after an interval of 110 years, such being the duration of a secle. The periods however, of the celebration, which are noted by the annalists, do not always tally with the epochs fixed by the ritual law, but this may be accounted for, as peculiar circumstances would sometimes cause the celebration to be deferred, as was often the case with festivals vowed to the deities. If\*on this principle we calculate back from this first secular epoch preserved in history, the beginning of the second secle falls U. C. 78. I say the beginning of the second, as it is more probable, that the commencement of a new period should be ushered in with festivities than the termination of an old one. Now according to the chronology of the pontiffs, whose table was adopted by Polybius, and he was followed by Cicero, this was the first year in the reign of Tullus Hostilius. It was therefore on the authority of the pontiffs that Scipio assigns, in the the Republic of Cicero, thirty-seven years to Romulus, and thirty-nine to Numa. A clue to this had already existed in the chronicles of Eusebius, which the discovery of the books of the Republic has enabled us to follow up. The year of Numa's death being considered the last of the first secle throws light upon the tradition of his being born on the day of the founding of Rome, as the Etruscans always closed the first physical secle with the death of the last survivor of those who were born on the day on which a city was founded.

Variations in the chronology adopted by Roman historians, arise sometimes from the number of official years in the Fasti not always answering to the same number of astronomical years, on account of the inter-reigns, by which the beginning of the year was carried further forward every year. The secle, however, supplied the corrections, and this was known through the pontiffs to Polybius and Cato. According to the former the secular year 298 was Ol. 81. 3, if we therefore reckon two secles backward, the second secle of

the city begins Ol. 26. 3, which according to Polybius was 78. U. C. and in which Tullus commenced his reign. Hence it seems evident that the pontiffs distinguished the two first kings from the rest, as belonging to another order of things, just as the Egyptians began the lists of their kings with gods and demigods. Romulus was a god, the son of a god: Numa was a man, but connected with superior beings. The periods assigned to their reigns were fixed most probably according to numerical speculations, which characterise the chronology, wherever the annals are in the hands of a learned priesthood. Thus, since the cyclical year instituted by Romulus and in use till the time of Numa contained thirty-eight nundines, it was an obvious thought to reckon thirty-eight years from the foundation of the city to Numa. One of these years was taken for the interreign and thirty-seven assigned to Romulus. Then, if twice thirty-eight were to be allotted to the two kings, thirty-nine fell to the share of Numa. There were other numerical combinations to recommend this number, such as we might expect from the perverted ingenuity of a priesthood.

With Tullus Hostilius begins the mythico-historical age of Roman history, the link between the purely poetical, and the thoroughly historical. This has in general no precise limits, but comes down to the point, where contemporary history begins, and its character depends on the richness of the nation in heroic lays. Its relation to mythology is, that whilst the latter takes her materials from religion and from poems on a large scale, and does not profess to be a possible history of the common order of things in the world, the former has a historical foundation, and borrows its materials from history as transmitted in free oral narrative. To the latter belong Hercules and Romulus, to the former Aristomenes and Brutus. On the confines of mythology the predominant character is poetical, at the opposite end historical, In the period on which we are

entering, the historical part of our information is limited to what is derived from the annalists, who founded their statements on the yearly registers, and made no use of monuments and original documents. It is true that Roman materials of this kind were scanty in comparison with the historical treasures of Greek cities. Of the whole period under the kings, the only original documents mentioned are the treaty of Servius Tullius with the Latins, that of the last Tarquinius with the Gabines, and one with the Sabines. The commentaries of Servius Tullius are also cited, and the collection of the laws of the kings, compiled by one Papirius, seems unquestionably of high antiquity. From the period after the kings, besides the twelve tables, some other laws, and the compacts between the patrician and plebeian orders, there were still extant in the seventh and eighth centuries of the city, the treaties with Carthage, with the Latins, and with the Ardeates.

With reference to the genuineness of the original annals, it is well known, that the chief pontiff noted down annually the events of the year on a whited table, which he set up in his house, a custom which obtained until the pontificate of P. Mucius, when it was either rendered unnecessary by the formation of a literature, or considered beneath the dignity of the office. We may now consider it certain, that these '*Annales Maximi*' were destroyed with other tables at the burning of the city by the Gauls, and that the loss of actual observations was attempted to be replaced by a series of computations backward. This would account for the numerical peculiarities in these calculations, and for their reference to the epoch of the Gallic invasion. Of course parts of genuine *Fasti* may have escaped destruction and been incorporated. The period before the Gallic invasion having been divided into two portions, of 240 years under the kings, and of 120 after them, formed an outline to which whatever was known or believed about the early ages was fitted.

Of the periods allotted to each king, the twenty-five years assigned to the last may perhaps have an historical foundation; but as to the whole period of the Roman kings, the chronology is a forgery and a fiction throughout. There is no rational ground for doubting the personal existence of Tullus Hostilius, but most assuredly the combat of the Horatii, and the king's marvellous death are more likely to be historical than the dates assigned to his reign. The family narratives during the times of the kings are equally barren as the national annals. The arithmetical outline drawn out for that period, before it became a vehicle for mere fiction, was filled up with two classes of subjects; on the one hand, the forms of the state, its laws, and the institutions ascribed to particular kings, and on the other hand the legends of their exploits. The former class engaged the attention of the earliest annalists: the origin of the latter goes back far beyond the time when the annals were restored. These legends were transmitted in lays, and formed the substance of the songs which enlivened the banquets of the ancient Romans. Another form of Roman popular poetry was the 'Nenia,' sung to the flute at funeral processions, and in which the praises of the dead were narrated; these may have been the first form of the memorial lays sung at banquets, and of these we perhaps possess even now some specimens in the inscriptions on the tombs of the Scipios, in which there is a peculiarity that characterises all popular poetry. The poems, out of which what we call the history of the Roman kings was resolved into a prose narrative, were different from the 'Nenia' in form, and of great extent, consisting partly of lays united in an uniform whole, partly of detached ones without any necessary connection. The story of Romulus is an epopee by itself. Of Numa there can only have been short lays. Tullus, the story of the Horatii, and the destruction of Alba, form an epical whole; in the

'horrendum carmen' Livy has preserved a fragment of the poem unaltered. The story of Ancus has no touches of poetical colouring, but afterwards the lay of the Tarquins is a grand epopee, extending from the arrival of Tarquinius the Lucumo at Rome, to the truly Homeric battle of the lake Regillus. These lays were much older than Ennius, who moulded them into hexameters, and seriously believed himself the first Roman poet, because he contemptuously shut his eyes against the merits of the old native poetry, and succeeded in suppressing it. There is one peculiarity in these epical lays that whilst in the pontifical annals history was probably adulterated to favour the patricians, this poetry is pervaded with a plebeian spirit, and with evident traces that at the time when it was sung, some plebeian houses were already great and powerful. Hence it is probable that the date which may with propriety be affixed to these poems, the contents of which have come down to us, is a period not before the restoration of the city after the Gallic disaster, which epoch itself may be taken as their earliest age. The middle of the fifth century of the city, the golden age of Roman art, may perhaps have also been that of Roman poetry. The same period is also indicated by the allusion to the Pythian oracle, and the evident traces of some acquaintance with Greek legends.

## CHAP XIX.

### THE ERA OF THE FOUNDATION OF THE CITY.

Eras of cities computed from their foundation were common in Italy. That such an era was in use at Interamna is proved by an inscription quoted by Scaliger, and we know from Cato that a similar one prevailed at Ameria. As to the Romans we have no trace of their reckoning their years in this way before

the time of Augustus. An era from the banishment of the kings frequently occurs, and is used principally for dating any alterations in the constitution: it is employed by Cicero, by Tacitus, and by Gaius, who probably all followed the records of Julius Gracchanus, who wrote in the first half of the seventh century. Dionysius assumed that this mode of reckoning was already in use about the middle of the fourth century, but even if the genuineness of certain registers of the censors, on which he built, be admitted, the dates may have been a later addition. This proves, however, that the era was used in public documents, though possibly not till a later age.

No reliance can be placed on the *Fasti* in their enumeration of magistrates, so as to enable us to identify the official years with those of the era. Besides, an exact correspondence between the official years and the years of an era is impossible, since the commencement of an official year was put off by half a month, as often as the election was held by an interrex, and thus two official years would be longer than two civil years by the length of the interreign, and it often happened that several interreigns followed one upon another. In this way from the divergency between years of the *Fasti* and civil years counted regularly on, it might result that the thirtieth pair of consuls would not ascend the curule throne before the beginning of the year 31, and thus a full year, which had actually elapsed, would be lost in the *Fasti*. A comparison between a chronological series of solar and lunar years would supply an analogous case. Hence we see the purpose of the ordinance, that the supreme prætor should drive a nail into the wall in the temple of the Capitoline Jupiter on the ides of September, and thus prevent any years from being lost in the record of time. If the consuls were not in office at this time of the year, a dictator was proclaimed to perform the ceremony. This annual nail was driven in for the first time by M.

Horatius at the dedication of the Capitol on the ides of September, and this circumstance gave rise to the era reckoned from that day, which was in use at Rome on public monuments in the middle of the fifth century. The table seen by Polybius in the archives of the pontiffs was probably a combination of this table with some arbitrary chronological computations taken from their own annals. The same enumeration of years was likewise the groundwork built upon by Varro, and by the author of the Capitoline Fasti; if he was a different person from Varro. Hence when the pontiffs marked a year with a dictator and no consuls, they meant to note that during the interval between two years so marked, the beginning of the official year had been pushed a twelvemonth forward, and that there were no consuls on the ides of September. The problem, to refer events from the variable years of the Fasti to a determinate chronological table, is one which we have no means of solving. For connecting the Roman chronology with the Grecian, a fixed point was afforded by the capture of the city by the Gauls. That event had spread consternation in Greece, and had even excited the attention of Athens; so that it might be known for certainty that it had happened in Ol. 98. 1 or 2. The majority decided for the former year, the archonship of Pyrgion: Polybius and Diodorus for the latter.

Now a person, who, following the chronological outline described above, without attending to the Capitoline era, reckoned 360 years from Ol. 98. 1, up to the building of the city, would place this event in Ol. 8. 1. Such was the computation of Fabius. He that reckoned back from Ol. 98. 2, adopting the above mentioned corrections, would come to Ol. 7. 2. This is the computation of Polybius and Nepos. We must, however, take into consideration that the former author in comparing Olympiads with Roman years, although the Palilia fell before the summer solstice, would reckon the

second year of Ol. 7, as coinciding with the first of the city, which had already begun. If any one reckoned in the same way, beginning from Ol. 98. 1, he would place the building of the city in Ol. 7. 1, as Cato did. But now a difficulty arose as to the mode of inserting the four years obtained from the corrections. Polybius taking that statement as to the years of the several reigns, which made the sum of them amount to 240, added four years to this sum, as having been occupied by interreigns, so that the first consular year, according to him, fell in Ol. 68. 1. What plan Cato adopted is uncertain. Livy on the other hand reckons 43 years for the reign of Numa. The advantage of the method employed by Polybius is, that it makes no alteration in the several old numbers, and yet enables us to take the years of the *Fasti* and the chronological years as the same. Hence it has been adopted here. Diodorus jumbled together the calculations of Fabius and Polybius. Varro from a singular misunderstanding supposed that the capture of the city should be placed three years earlier, and so referred the founding of Rome to Ol. 6. 3, one year being set off against the difference in Cato's computation.

All these diverging chronological statements have a common ground. Ennius reckoned 700 years from the foundation of Rome to his own time; a calculation involving about 120 years more than the above mentioned systems. He may probably have adhered to the old Latin chronological expression that Rome was built 333 years after the fall of Troy, and if he followed the authority of Timæus as to the date of this latter event, and added seven years for the time since the destruction of Troy, Rome at the period when he wrote the last book of his poem (U. C. 582.) was according to this poetical and national view, nearly 700 years old. Nævius must have adopted the same chronological arrangement, if it was after him, that Virgil modelled the whole passage from which we know it.

Cassius Henina at the beginning of the seventh century, in determining the age of Homer, had probably the same calculation in view. Eutropius in placing the building of Rome in Ol. 6. 3, or at an average, 394 years after Troy, reckoned probably the 360 years not from the fall of Ilion, but from the founding of Alba, and then added the thirty-three years since the landing of Æneas, and one year for his voyage. Timæus writing about 490, U.C. placed the foundation of Rome contemporaneous with that of Carthage, as Dionysius says, and thirty-eight years before the first Olympiad. This would be in the tables of Timæus 379 years after the fall of Troy, but in those of Dionysius, who forgot that Timæus made the interval between that event and the first Olympiad longer by ten years than the current canon, 368. Dionysius perhaps made a mistake, for if Timæus reckoned forward from the fall of Troy, and mentioned the year 369, this would be in his calculations forty-eight years before the first Olympiad. Dionysius, however, by a backward calculation from the Olympiads determined the epoch assigned by Timæus ten years too late.

This is the calculation to which Trojus, who followed Timæus, alludes, in dating Carthage seventy-two years before the usual era of Rome; which, according to Varro's date of Ol. 6. 2, is exactly forty-eight years before the first Olympiad. Here then we have the second Latin era of 360 years, as the Sicilian annalist is not speaking of a complete coincidence of time in the building of the two cities.

The statement of L. Cincius Alimentus, who dates the building of the city about Ol. 12. 4, differs essentially from the rest. His honesty and critical investigation, as a historian, renders this of some consequence. His account, however, may be only a different version of the same statement, out of which we have seen so many arise, or he may have paid attention to some very old measure of time, at a period when it had already gone wholly out of use.

## CHAP. XX.

## ON THE SECULAR CYCLE.

It has been clearly shown by Scaliger, that before the Julian reformation of the calendar, the Roman was a lunar year, which was made to harmonise with the solar by the alternate insertion of an intercalary month of twenty-two or twenty-three days in every second year, during a period of twenty-two years, the last biennium being passed over. As five years made up a lustre, so five of these periods, in each of which the intercalary month was inserted twenty times, made up a secle of 110 years. This easy and regular computation of time, owing either to the ignorance of the Romans as to mathematics and astronomy, or to the dishonesty of the pontiffs, had fallen so totally into oblivion in the time of Cæsar, that he found the year sixty-seven days in advance of the true time, and was forced to borrow his reformation of the calendar from foreign science.

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The year of Romulus consisted of only ten months, or 204 days. This was once rejected as a fiction, but there are unequivocal proofs that it was at one time actually in use, and we find more than one evident trace of its application at a later period, when it was no longer known. It appears from the relation borne by the cycles of this year to the lunar intercalated year explained by Scaliger, and to its secular period, that the former was on the one hand applicable along with the other as a running correction, and on the other hand was preferable to it for scientific purposes. The first key to this system is furnished by Censorinus, where he says, that the lustre was the great year of the ancient Romans, viz. the cycle at the end of which the beginning of the civil year would coincide with

that of the solar. It is true that he confounds the duration of the lustre of his own age, the Capitoline Pentaeterid, with the ancient lustre, but this misunderstanding is easily rectified. Five Egyptian solar years of 365 days contain 1825 days; six Romulian years of 304, only 1824. In five years, accordingly, the old Roman computation lost a day, when compared with the Egyptian civil computation; when compared with the corrected Julian calendar, it lost nearly two days and a quarter. This is so great a variation, that the cyclical use of such a year would certainly be improbable, if there were not other divisions of time evidently having reference to the same system. These are the Etruscan secle and the week of eight days. The former was likewise the measure of the lunar intercalated years; of the latter we see traces in the *nundines* of the Romans, on which the market was held, and in the *nones* of the Tuscans, on which their kings gave audience, and administered justice. The year of ten months, containing 304 days, was exactly divisible into eight-day weeks, making thirty-eight of them; accordingly there were thirty-eight ancient *nones* in it, and this is the very number of *Dies Fasti* retained in the Julian calendar. But since this number was utterly insufficient for the business of the forum, a far greater number of other days was added to it, under different names.

If an intercalary month of three Tuscan weeks or twenty-four days was inserted twice in the course of a secle or cyclical period of twenty-two lustres, as in the eleventh and twenty-second lustre, the result gave a close approximation to the true time, and a correction for the cycles of the lunar year. For the five periods of the secle, if we assume the calculation of Scaliger according to the Julian calendar as sufficiently accurate, give 40177 days, whereas the sum of the days in the cyclical years, after the intercalation just mentioned, is 40176.

This cycle is actually more correct than the Julian computation, which takes the tropical year at 365 days six hours, too long by 11' 15", whilst this makes it 365 days, 5 hours, 40', 22"; too short only by 8', 23". The probability, however, is, that the seconds were not taken into consideration, and that the Etruscans had fixed the tropical year at 365 days, 5 hours, 40'. This year, from its scientific exactness, might be practically useful along with the civil year, after the latter had been accurately regulated, as in the last period of the secle, instead of an intercalary month of twenty-three days according to the regular order, it would be requisite to insert one of only twenty-two, so that the two systems might harmonise. To facilitate this correction, a true account of time from the beginning to the end of the secle, was kept by the practice of driving a nail into the wall of the Capitoline temple: this solemnity was probably discontinued as soon as it became customary for the new consuls to be elected without any interreign: its meaning was already forgotten about the middle of the sixth century, and was supposed by Cincius, who found similar nails in the temple of Nortia at Vulsinii, to be a method of marking time when writing was scarce. The object, however, was to determine how many lustres had elapsed since the beginning of the secle: the close of a lustre, 'lustrum conditum,' was doubtlessly noted in a similar manner. The whole of the eastern world followed the moon in its calendar, the purely scientific division of a vast portion of time is peculiar to the west; yet we are far from meaning to class Romulus among astronomers. The name of the Romulian year need not and is not intended to signify any thing but the original cyclical one. The Roman archæologists, however, were assuredly mistaken in their suppositions, that this calendar was originally the only one in use, and that it was afterwards given up entirely. The former is improbable, as it bears so close a relation to the cycle of

the lunar year that it can scarcely be doubted that they were formed at the same time, and for popular use the earliest calendar would necessarily observe the changes of the moon. The second supposition is erroneous, as traces of its use are evident long after the time of the kings. The Etruscans used to follow the honest rule of only making peace under the form of a truce for a definite number of years. Now the Etruscans are never charged with having broken any of these treaties, though hostilities always recommence before the years of the truces have expired according to the *Fasti*. By supposing, however, the years to have been those of ten months, all the difficulty vanishes. This custom of concluding truces according to cyclical years seems to have been adopted by the Romans towards the *Æquians* and *Volscians*, and towards the *Faliscans*.

The year of ten months was in use at Rome in many of the transactions of social life, and was the measure for the ancient rate of interest. If we suppose *Ennius*, in his calculation of the era of Rome, to have used the cyclical year of ten months, 700 of these make about 583 civil years, and it was in U. C. 582. that the old man wrote the last book of his annals. Ten was the fundamental number of Etruria, being that of the *secles* assigned to the nation: that of Rome was twelve. The same proportion holds good in the measurement of space between the Tuscan '*vorsus*' and the Roman '*actus*:' it even seems as if the Romans put to death twelve Etruscan prisoners for every ten of their countrymen who had been sacrificed by the *Tarquinians*. The Roman antiquarians assumed that the years of the city in the earliest tables were those of only ten months, and *Junius Gracchanus* maintained that the old calendar continued in use until the time of *Tarquinius Priscus*. Now the pontiffs reckoned 132 years before his reign: if *Cincius*, therefore, took these to be cyclical years, he got exactly a *secle* for the four first kings; and if he subtracted the difference, twenty-two

years, from the era of Polybius, the result for the building of the city would be the very date, Ol. 12. 4, which he assumes.

## CHAP. XXI.

### THE BEGINNING OF ROME AND ITS EARLIEST TRIBES.

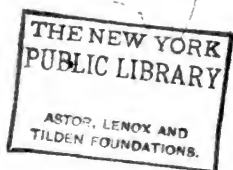
That Roma is not a Latin name was assumed to be self-evident, and there can be no doubt that the city had another of an Italian form, which was used in the sacred books like the mysterious name of the Tiber. The name Roma, which has a Greek look like that of the neighbouring town of Pyrgi, belonged to the little Roma of the Sicelians or Tyrrhenians on the Palatine hill: whether Roma fell before the Cascans, when they overpowered the Sicelians, is doubtful, but it is most probable that she belonged at one time to the number of the thirty Latin towns, which while they retained their freedom acknowledged the supremacy of Alba. All the legends agree that the Palatine hill was the original site of Rome; it was only in the course of time that the line of its walls was extended along the valley around the hill, and, as at Athens, the original city became the citadel. The pomerium of Romulus, alluded to by Tacitus, was, as its name implies, nothing more than a suburb or borough taken into the city and included within the range of its auspices. Another borough, which however was unconnected with the town on the Palatine, and probably was of later origin, stood on the Carinæ: the Porta Janualis, spoken of in the legend of the Sabine war, can have been no other than that which closed the bottom of the ascent leading up to the Carinæ. The state of the country about the original town of Roma is confirmatory of the tradition that the Aborigines dwelt upon the hills in scattered

villages. One of these places was probably called Remuria; one on the other side of the river, Vaticanum, from which the Ager Vaticanus received its name; and another perhaps on the Janiculum was called Ænea or Antipolis. There was no independent settlement on the Aventine, as the original territory of Roma extended some distance towards the sea. Of the Cælian we shall speak hereafter, but on what in early times was called the Agonian hill, there was a town, of which the Capitoline may be considered the citadel, separated from the town on the Palatine by a swamp and a marsh. The name of this town was most probably Quirium, for its inhabitants were called Quirites, and the later name of the hill, Quirinal, is derived from that of the town. That this hill was inhabited by the Sabines is certain, as well as that the Sabines were an elementary part of the whole nation; and the connection between the Quirinal and Capitoline hills was preserved in undisputed recollection. The Sabines, when they had driven the Cascans and Umbrians before them, continued to push forward their conquests down the Tiber; hence we find their towns Collatia and Regillum in the midst of the Latin towns in this district. The original town of Roma probably did not escape the lot of the other Latin or Siculian towns, and became subject to its rival, which rose on the opposite side of the intervening marsh. Roma and Quirium were however two completely distinct towns, like the Greek and Hispanian Emporiæ, which were separated as states, and by walls: nor have all traces of the steps, by which the two towns were united into one state, been effaced. A tradition has been preserved that each had its king and its senate of a hundred men, and that they met together in the Comitium, which thence received its name, between the Palatine and Capitoline hills. The poetical story of the rape of the Sabines and the consequent war may represent that at one time there was no right of intermarriage between the two cities, and

that the one, which had before been in subjection, raised itself by arms to an equality of civil rights, and even to a preponderance.

This tradition is quite of another kind from the fable of the preservation of Romulus and Remus. On the union of the two cities, the double Janus was built on the road leading from the Quirinal to the Palatium, with a door facing each of the cities, as the gate of the double barrier which separated their liberties; it was open in time of war that succour might pass from one to the other, and shut during peace. The boundary between the two towns was probably marked by the Via Sacra, which from its direction was evidently destined for common religious processions. Among the vestiges of the joint kingdom was the double throne, and a symbol of it was the head of Janus, which from the earliest times was stamped on the Roman as; the ship on the reverse side alludes to the maritime sway of the Tyrrhenians. The union of the two cities was cemented perhaps by their alarm at the progressive approach of the Tuscan conquests, or at the power of Alba, and they came to an agreement to have but one senate, one popular assembly, and one king, to be chosen alternately by the one people out of the other. The poetical story would imply, that this legitimate order was preceded by an usurpation on the part of the Romans, whose king prevented the election of a successor to his Quirite colleague. Henceforward we find the two nations styled *Populus Romanus Quirites*, after the old Roman usage of combining such names by mere juxta-position, which in later times was distorted into *Populus Romanus Quiritium*. Subsequently the name Quirites was transferred to the plebeians, who were with regard to the patricians placed on a footing analogous to that of the ancient Quirites with reference to the Romans. By this union Romulus was transformed into Quirinus, and Quirium probably became that mysterious Latin name of Rome which it was forbidden to utter.





Wherever mention is made of tribes in ancient history, before the time when an irresistible change in the condition of society led to democratical institutions, they were either distinct castes or of different origin; even the distinction of castes, where it can be accounted for, always arose from immigration or conquest, even in Egypt and India. This had perhaps been the case in Attica even before the Ionian immigration. The supposition that the four Ionian tribes were castes, rests on a very dubious interpretation of their names, and it must not be overlooked that in order the warriors are ranked after the labouring class. Instances of the division of the people into tribes according to their different origin are furnished by Cyrene, and by Thurium, and in much later times by Mantua. It was in this manner that the citizens of the two towns, when their confederacy was converted into an union, became the members of the two tribes the Ramnes and the Tities, so named from their royal founders. But along with them we find a third tribe the Luceres, derived by some antiquarians from Lucumo, a pretended Etruscan ally of Romulus, and who fell in the Sabine war; by others, from Lucerus king of Ardea: in other words the former held the citizens of this tribe to be Etruscans, the latter Tyrrhenians. A perfectly natural explanation is supplied by another form of the name, Lucertes, which manifestly comes like Tiburtes, from that of a place, Lucer or Lucerum. These likewise were the citizens of a separate town who were incorporated and formed a new tribe, and the site of their town must be looked for on the Cælian. This hill is said to have formed part of the city even in the time of Romulus. Tullus Hostilius however is considered as properly the founder of the settlement upon it in consequence of his bringing the Albans thither. This then was the abode of the Alban houses, which he raised into Roman ones, as that of the Sabines was on the Quirinal. A branch of the Romans

is referred to Tullus in the same manner as the two primary tribes were to Romulus and Numa, and the plebs to Ancus. These four kings are spoken of as the authors of the ancient laws; assignments of lands too were attributed to them all four, which is a token that they were regarded as the founders, each of a distinct part of the Roman nation. Now the only part left for Tullus is the Luceres, so that these must be the same with the citizens of his town on the Cælian, which I shall henceforward call Lucerum.

As Numa, the father of the Tities, was made to come from Cures, so was Tullus through his father brought from Medullia, a Latin town conquered by the Romans. This implies that Lucerum was in a state of subjection and was inhabited by a Latin race, anterior to the Alban settlement. As the citizens of each of the places formed a separate race, so did the territory belonging to each form a distinct region in the total domain; this is erroneously represented as a division of the Ager. In every nation of antiquity there was a peculiar immemorial mode of division into a stated number of tribes, and if a new state arose it was not allowable for it to deviate from the peculiar fundamental institution of the nation it belonged to. The Sabines had very probably a different division from the Latins, but when Roma and Quirium both separated themselves from their respective nations and established an independent state, the Latin principle which was similar to the Dorian became the prevalent one in the state, and they took three for the number of their tribes, because the power of Rome preponderated. The third tribe was formed by the Luceres, although they were under the supremacy of Rome, and their senate was not incorporated till afterward, nor would their burghers be admitted to the comitium. The gradual extension of the rights of citizenship to the second and third tribe is scarcely perceptible in the historians which remain, except in the accounts how the number of the senators

was augmented, in the details of which there are various discrepancies though all agree in making the senate consist at first of 100. When Tarquinius is said to have augmented it from 200 to 300, this is manifestly the correct way of expressing the admission of the third tribe. At the union of the two first states, each preserved as far as possible its own senate, and its peculiar civil and sacerdotal dignities. The Luceres on the contrary at the time of their union were only admitted to a share in a few; their offices continued to subsist amongst them not however as national but local offices, and hence in most of the offices under the republic we find the two tribes represented, but seldom the three. Thus before the senate was open to the third tribe there were only four vestals: the same king, who enlarged their civil rights, added two to the number of the virgins, so that each tribe might have its own, yet the third was not placed on the same footing with the first two tribes in the case of the augurs, as there were only four, when the Ogulnian law was passed: of these two are said to have been instituted by Numa. The pontiffs likewise had continued (Appendix E.) to be four in number, and the preliminary ceremonies of the *populus* were performed by only two of the three greater flamens. Of the twenty *fecials* answering to the twenty *curies* of the two first tribes, four was the number sent on embassies, two from each tribe. The same principle of placing the two tribes on an equality and keeping the third below it is apparent in all the fraternities: it perhaps determined the number of the *duumvirs* who kept the *Sibylline books*, and that of the '*duumviri perduellionis*:' that of the consuls however probably rested on different grounds, as it is more likely that the laws of *Servius* designed one of them to be a plebeian. The first two tribes having these decided privileges, as the whole body of the original citizens were called the patrician houses, the third tribe properly bears the name of the minor houses, and the

votes of the senators of this class were taken after those of the major houses, the same prerogative was enjoyed at first by the curies of the two first tribes; the first tribe itself likewise must have maintained a certain precedence. The 'decem primi' in the Latin senate, had their counterpart in the Roman, who formed the decemvirate of interrexes; mention is also made of the judicature in capital causes having once been confined to the purest tribe; this is an obscure point, but at all events it implies a tradition of the precedence of the 'Celsi Ramnes.'

## CHAP XXII.

### THE PATRICIAN HOUSES AND THE CURIES.

The tribes of antiquity were constituted on a two-fold principle, which had regard either to the houses which composed them, or the ground which they occupied. According to Dionysius there was this express distinction between the earlier Roman tribes, and those of Servius, as he terms the former genealogical, the latter local. The genealogical tribes were more ancient than the local, their form was that of castes, the individual members of which were allowed to descend by intermarriage or change of calling, but to rise was impossible. In course of time the severity of these institutions relaxed, except where a divine law was given out to be their origin, until there was a complete equality among the tribes, as was the case with the Venetian nobility. The state was conceived to be made up of these castes, so that no one could belong to the state except he was a member of a house, which at first could only be by legitimate descent; but in the mildest form of such a government, it was allowable to admit freemen connected with the state by a community of national law. The local tribes at first were adapted

to a division of a country into districts and hamlets, but from the descendants of an individual continuing ordinarily members of the same phyle and of the same deme without regard to their place of residence, they were almost transformed into genealogical ones. This however was obviated, as a family might remove from one local tribe to another, and every one who received the franchise by a decree of the people, or by the law, was enrolled in a deme. We must not, however, suppose that these genealogical tribes were universally made up of families sprung from the same stock; these natural communities may have been the prototypes, which suggested the systematical institutions enacted by legislators; an image of which lately existed in the mountains of Suli, where the one and thirty houses or Pharas of the Suliots were actually families descended each from the same stock, varying in numbers, but each having its captain who was its judge and leader: the captains collectively made up the senate. What renders this image of antiquity a complete one, is, that this people was the sovereign over a considerable number of villages, its *περίοικοι*.

In the early constitution of Athens, the four tribes were each divided into three phratries and each phratry comprised thirty houses. Now the numbers of a house although styled 'gennetes' or 'ἑμμογαλακτες,' as we know from the grammarians, were in no way akin but bore this name in consequence of their union. This was cemented by common religious rites, inherited from their ancestors, who were originally distributed into these houses, and none could be admitted into a phratry, who had not inherited the ennobling quality of this original citizenship from his ancestors. But with the tribes of Clisthenes neither the phratries nor the houses had the slightest connection. These tribes were divided into demes, and the gennetes of the same house might belong to different demes. Foreigners too, who obtained the freedom of the city, were

registered in a phyle and a deme but not in a phratry or a *genos*; and hence new citizens are taunted by Aristophanes as having no phrators. Each house bore a peculiar name (as the Codrids, the Eumolpids, in form resembling a patronymic) but most probably derived from the name of some hero who was their *ἐπώνυμος*. Such a house was that of the Homerids at Chios (Appendix F.) Now as a number of Greeks believed both in their own descent and in that of others from a heroic progenitor, so at Rome the Julii deduced their origin from Iulus the son of Æneas; the Fabii theirs from a son of Hercules; the Æmilii theirs from a son of Pythagoras. We have not the same express testimony positively denying the existence of a family affinity among the members of a Roman *gens*, yet we have the strongest negative evidence in the definition of them given by Cicero. The Cornelii as a *gens* had common religious rites, yet we cannot on that account assume that any original kindred existed between the Scipios and the Syllas. On the contrary we have every reason for supposing that an institution which runs through the whole ancient world, had the same character in Italy and Greece. *Genus* and *gens* are the same word, the one form is used for the other, and conversely. The members of a Roman *gens* had common sacred rites on stated days and at stated places; the Fabii, it may be conjectured, in honour of Hercules or Sancus; the Horatii in expiation of the fratricide committed by Horatius. As the members of the *gens* decreased in numbers, the problem was to get rid of the common sacrifices which had become burdensome, without giving up the gentile relation; and this was the reason why Cicero did not include them in the terms of his definition. But at Rome the members of a *gens* had counterbalancing advantages, one of which that lasted longest was the right of succeeding to the property of members who died without kin and intestate, a right in no way discernible at

Athens, as the changes in every social relation hurried on far before those at Rome. For the same reason we find in the Athenian orators no mention of the obligation, which bound the *gennetes* to assist their indigent fellows in bearing extraordinary burdens, an obligation which at Rome lay on the members of the house as well as on the clients; this bond did not outlive the times and manners of remote antiquity, for even in Roman history we find but a single instance of it, when the clients and gentiles of Camillus pay the fine for him, to which he had been sentenced. Subsequently the custom must have grown obsolete. The gentiles were certainly not called upon, except where the means of the clients were inadequate, and when the relation of clientship had extended over the whole of Italy and still further, there was so seldom occasion to call on them, that the right itself was forgotten. Yet, even so late as the second Punic war, the gentiles wanted to ransom their fellows, who were in captivity, and were forbidden to do so by the senate.

The analogous example of the Athenian houses leads us to suppose that at Rome likewise the number of house contained in the tribes was absolutely fixed, and that when the curies are said to have been divided into decads, it was meant that each cury contained ten houses, and the three tribes 300. The patrician tribes might thus be called centuries, each containing 100 houses. We have here the pervading numerical basis of the Roman divisions, three multiplied by ten; and 300, which corresponds to the number of the senate, bears the same relation to the cyclical year, as 360, the number of the Athenian houses, to the solar year. Such numerical proportions are an irrefragable proof, that the Roman houses were not more ancient than the constitution, but corporations formed by a legislator in harmony with the rest of that scheme. No institution in the ancient world was more general than this of the houses. Every body of citizens was divided in this

manner, and in each case, when the citizens of the dependent city were incorporated into the commonalty of the ruling city, still the houses which had subsisted in them were not dissolved. But they were not acknowledged by the Roman state, their greater country, as bearing any political relation to her: no houses were recognised but those which composed the three ancient tribes, and this enabled the patricians to boast that they alone had a house, while nevertheless there were members of plebeian houses in Rome by thousands, who possessed gentile privileges in the municipal towns.

The patrician gentes however did not consist of patricians alone, but contained in them plebeian families, which had sprung up from marriages of disparagement contracted before any right of intermarriage existed between the two orders, as well as freedmen and their descendants, just as the Gaelic clans were formed of nobles and their vassals; if we apply the Roman phrase to them, the former had the clan, the latter only belonged to it. The proposition that the patrons and clients made up the whole of the original Roman people is true enough, if applied to the period before the commonalty was formed, when all the Romans were comprised in the original tribes by means of the houses they belonged to. How the clientship arose does not admit of a historical exposition, any more than the origin of Rome. That this relation was similar to that of the Thessalian bondsmen, the *Penestæ*, is in substance certainly founded on truth, but at Rome the relation was more refined; the condition and advantages of the ward who had placed himself of his own accord under the protection of the patron being transferred to the serf. A wardship of this kind existed in Greece, in the case of the sojourner who was bound to choose a citizen for his guardian. The Romans, and the citizens of such towns as stood on a federal relation to Rome, were mutually entitled to ex-

change their home for the other city, perhaps under the obligation, at all events, with the right of attaching themselves to a patron; this is the meaning of the 'Jus applicationis,' which we find connected with the 'Jus exulandi.' Some of these clients being criminals, who had withdrawn themselves from the jurisdiction of their own towns, and being regarded by the plebeians with feelings of contempt or hatred, this circumstance gave rise to the legend of the asylum. In Greece this connection might be altered at will; it ceased as soon as the alien was admitted to the franchise; but at Rome it continued in the case of the *æ*rarian, and was hereditary like vassalage. To those clients, who neither gained a livelihood by trade, nor had any property of their own, their patrons assigned a portion of land, as a precarious tenement, which they might resume at will. (Appendix G.) The duties of patron and client were reciprocal. Protection and support on the one hand were repaid on the other by obedience and contributions analogous to the feudal aids. (Appendix H.) If a client died without heirs the patron inherited his property, and this law extended to the case of freedmen. The accusations of a neighbour against a client were heard in the patron's court, and in the public courts neither patron nor client could bring an accusation or bear witness against the other.

The privilege of receiving strangers as clients appears at first to have been monopolised by the *Ramnes* to the exclusion of the other two tribes; still less was it permitted to the plebeians; but ultimately when members of the plebeian order became distinguished, and could afford protection and redress, clients attached themselves to them as well as to the patricians. Before that time, however, patron and patrician had become coextensive terms, perhaps they were synonymous. *Patres* may have been at first a name of honour used in addressing the ancient citizens; it was certainly a term by no means confined to the senate, but on the

contrary the *patres* are mentioned even by Livy along with the senate, and sometimes in opposition to it, but by the usage of later times the word was gradually restricted more and more to the senators. The notion, that the patriciate was a nobility at first, arose from the circumstance that Augustus found it requisite to raise the most illustrious families of the plebeian noblesse into the patrician order, the families of which were reduced to fifty in number, and were not sufficient to fill the priestly offices according to ancient usage. As this remnant was certainly an old nobility in every respect, and as the families added to that order were also the chief in the state, authors contemporary with that change carried back the notions of their own age to times far remote and to circumstances far different.

If *patres* and its derivative patrician were titles of honour for individuals, the name of the whole class as distinguished from the rest of the nation appears to have been *Celeres*: that this was the name of the knights, is recorded, as it is also that the tribes of Romulus had tribunes: now the tribunate of the *Celeres* was a magistracy and a priestly office. If we, therefore, suppose the tribunes of the three tribes to have been at once leaders in the field, and magistrates and priests in the city, just as a *curion*, in his character of centurion, was captain over a hundred in the Romulan legion, the tribune of the principal tribe would have most probably enjoyed peculiar distinctions, and the circumstance, that we generally find mention only of one, would be easily accounted for. In the earlier times it was a principle of every legislation to decide measures in the public assembly not by the aggregate of heads but by the votes of the several orders; and thus at Rome it was decided that the *curies* were to be the units in taking the votes of the whole body, not to be called up in any stated order but in one settled by lot. The votes taken in the *curies* appear to have been not those of the individual members, but of the houses

which were their component units; and on this principle it was supposed, that the clients and inferior members of the houses had votes, which of course were under the controul of their patrons, but this point is no longer admissible. If the plebeian families and the clients had voted in a house, they would have retained possession of its vote, even though all the patrician members had died off and thus the patricians would have been unable, in the rapid decrease of patrician families, to maintain the preponderance even in their own comitia. Still more unfavourable to them would have been the result of voting in the curies by poll. But in addition to other points by which the assembly of the curies is identified with that of the patricians, the 'lex curiata de Imperio' in the Republic of Cicero is precisely the same thing as the 'auctoritas patrum' in Livy, and the 'confirmation by the patricians' in Dionysius.

### CHAP. XXIII.

#### THE SENATE, THE INTERREXES, AND THE KINGS.

The Roman senate, like that of Athens as established by Clisthenes, corresponded to the tribes, and its number was proportionate to the 300 houses; each gens sending its decurion, the president in its by-meetings, to represent it in the senate. These deputies must have been chosen, at least originally, by the houses, and not appointed by the kings at their discretion. The senate was divided into decuries, each of which corresponded to a cury. When the state was without a king, ten senators presided over it during the inter-reign. Although the accounts given by historians as to the mode of proceeding on this occasion are contradictory, we need not hesitate to decide in favour of

Livy's statement, in which there is a reference to the superiority of the Ramnes; and we may recognise in it the 'decem primi,' the ten, each of whom was the first in his decury. The senate agreed among themselves on the person to be proposed by the interrex to the curies, whose power was confined to accepting or rejecting him. It was a 'rogation,' as in the case of a law, and hence the interrex is said 'rogare regem,' to put his acceptance to the vote. In this way the creation of Numa and Ancus is narrated. As to Servius Tullius, he is said to have usurped the throne without a previous election by the senate. After the king had been accepted, his inauguration took place, and there may once have been a time of honest credulity, when adverse auguries would have rendered the election null and void. Even this was not sufficient to give the new king the full power, the 'imperium;' but it was necessary that he should be invested with it by a specific law, which he himself proposed, and the rejection of which would have compelled him to resign his dignity. This practice may have originated thus: the king was to be elected in turn by the one tribe out of the members of the other, and his election received its final confirmation by the curies of the two tribes conferring the imperium. On the elevation of the third tribe, its curies were also summoned to express their acceptance, when the election had been completed by the other two. The custom was retained when the election was carried on by all the curies conjointly, as, according to Cicero's views, the entrusting of so great a power was deemed by free men a measure so grave and hazardous, that they reserved for themselves the power of a second deliberation upon it. As the curies, however, could not come to a vote on any matter which was not brought before them by a decree of the senate, there must have been such a decree in this case also: and if we suppose that the first choice was made originally only by a part of the senate, there would be the

same ground for this second decree as for taking the opinion of the curies. When these had ceased to exist, except as a mere name, the senate still retained the power of refusing its assent: owing to this it was compelled to express its acceptance previously to the matter being proposed to the people; and the continuance of this formality misled Livy into supposing that the patres, who had to give their assent in the earliest ages, were the senate.

The law of the curies invested the king with all the power he needed, as head of the state and of the army, and with authority to hold courts, and to appoint judges. The celebrated 'lex regia,' concerning the emperors, was no other than the law which granted the imperium to the kings, though with alterations as well as additions: it must have been in the Papirian code that the formulary was preserved. The kingly office at Rome, in its power, prerogatives, and restrictions, resembled that of the heroic age in Greece: it differed in being a magistracy granted only for life. The king had the absolute command of the army, but all questions of war and peace were determined upon by the citizens: he was the priest who offered sacrifice for the nation, yet the independence of the pontiffs and augurs was unquestionable. He had the initiative in all questions of legislation, but whether the proposed measures should become laws was determined by the citizens: he exercised the chief judicial functions in civil and criminal matters, but from his sentence in criminal matters there lay an appeal to the assembly of the citizens: this privilege, however, was limited to the original citizens, the patricians; over those who did not belong to the houses his power was unlimited, as was afterwards the case with the dictator. Extensive demesnes attached to the crown, and cultivated by its vassals, supplied it with wealth and with a devoted train; in addition, a part of the conquered territory was always assigned to the share of the crown.

## CHAP. XXIV.

## TULLIUS HOSTILIUS AND ANCUS.

The formularies of the solemn proceedings of the Roman law, which we find in Livy, were taken by him from the books of the pontiffs and augurs, which were, most probably, collections of traditions, decisions, and decrees, laying down principles of laws by reporting particular cases; and thus fragments of old poems might be contained in them, such as the law of treason from the lay of the Horatii. The actual narrative of the times of the kings, Livy, guided by his poetical feelings, drew mainly from Ennius, nor could he have selected more judiciously.

If any one looks for historical truth, and consequently for connection, in the history of the first century of Rome, he must find it wholly incomprehensible that Alba should disappear altogether the moment after the city is founded; yet it is clear that Alba and Roma were entirely strangers to each other. Mutual acts of violence committed by the citizens of the two cities gave rise to a war. The armies were drawn up against each other on the Fossa Cluilia, where it was agreed to avert a battle by a combat between three brothers on either side, the Horatii and the Curiatii, whose mothers were sisters, and had each brought their three sons into the world at a birth. Every body will perceive that we have here types of the two nations regarded as sisters, and of the three tribes in each of them. The victory was gained by the craft and skill of one of the Roman champions, who survived his two brothers, and the Albans became obedient and subject to the Romans. In the war against Fidenæ, which followed soon after, the Alban dictator, Mettius Fufletius, broke his faith to the Romans, but

had not the resolution to put into execution the criminal plot which he contemplated. He expiated his treachery by his death. Alba was surprised by the Romans, and rased to the ground to the sound of trumpets; the temples of the gods alone were spared. The Albans were removed to Rome, and had habitations assigned them on the Cælian; and this is a point on which the legendary history of Rome may rely, because Tullus was regarded as the founder of the Luceres. All the patrician houses that deduced their stock from Alba belong to the Luceres; even the Julii did so; and the fact of their having come from Alba is historically certain, as well as the fall of Alba. But the war, which terminated in that fall, has only an indefinite historical foundation, like the Trojan war: the probability is that Rome, in conjunction with the Latin towns, took Alba, and that the allies divided the territory and the people they had conquered. For by the Italian law of nations, which in such a case of a total destruction would also be the law of nature, the Alban territory must have become the property of the conqueror; yet we find it in the possession not of Rome but of the Latins: here, at the fountain of Ferentina, did they hold their national assemblies. Or perhaps Alba may have been destroyed by the Latins, and not by Rome, and the Albans who retired to Rome may have been received there as refugees.

After the fall of Alba the wars with the Latins begin. Of that war with them which Dionysius relates to have arisen even in the time of Tullus, in consequence of Rome pretending to have acquired the supremacy ascribed to Alba, Livy is ignorant; he, however, mentions an alliance concluded under that king with the Latins, which was probably the armed confederacy of the Romans, the Latins, and the Hernicans, implied in the narrative preserved by Varro. The war which followed with the Sabines, the most powerful people of Italy after the Etruscans, was suc-

cessfully concluded by Tullus. His career was cut short by some superstitious experiments which sickness had induced him to make trial of, and which drew down the thunderbolt of the deities upon him.

The lay of Tullus Hostilius is followed by the narrative of a course of events without any marvellous circumstances or poetical colouring: this narrative is connected with real history by the founding of Ostia, but it is referred to a chronological computation, in which the tricks of elaborate falsifiers are most clearly apparent. Ancus, from whom the plebeian house of the Marcii boasted their descent, was called in the tradition the son of Numa's daughter, which alludes to the practice of taking the kings alternately from the Romans and the Quirites. Like his ancestor, he first turned his attention to the re-establishment of religion, and had the ritual law transcribed on public tables, that all might read it. He then directed his arms against the Latins with success, and carried away several thousand Latins to Rome, whom he settled on the Aventine. He extended his conquests into Etruria, and along both banks of the Tiber to the sea coast, where he founded Ostia, the oldest of the Roman colonies, as the harbour of Rome. He built the first bridge over the Tiber, and annexed additional defences to the city. The oldest remaining monument in Rome, the prison formed out of a stone quarry in the Capitoline hill, is called the work of Ancus. It was on the side of the hill above the Forum, the place of meeting of the plebeians; and, until an equality of laws was introduced, it served only to keep the plebeians, and those who were below them, in custody: hence the construction of it may be ascribed to the same king to whom the first establishment of the plebeian estate is referred. The original common law of the plebs was regarded as the fruit of his legislation, in the same manner as the rights of the three ancient tribes were looked upon to be the laws of the first three kings:

and because all landed property, by the principles of the Roman law, proceeded from the state, and on the incorporation of new communities was surrendered by them, and conferred back on them by the state, the assignment of public lands is attributed to Ancus. This act, being viewed as a parcelling out of public territories, was probably the cause which led the plebeians to bestow the epithet of 'good' upon him in the old poems. The new subjects could not be admitted into a new tribe as the Luceres had been, since the number of tribes was completed: they constituted a community, which stood side by side with the people formed by the members of the thirty curies, as the body of the Latin towns had stood in relation to Alba. This was the beginning of the plebs, which was the strength and the life of Rome, the people of Ancus as distinguished from that of Romulus: and this is a fresh reason for Ancus being placed in the middle of the Roman kings.

## CHAP. XXV.

### THE LAY OF L. TARQUINIUS PRISCUS, AND SERVIUS TULLIUS.

The story of Damaratus found its way into the old poem in the same manner as the stories of Zopyrus and Periander were woven into it. When the Bacchiads fled from Corinth to avoid the vengeance of Cypselus, Damaratus, one of their number, settled at Tarquinii, and taught the Etruscans alphabetical writing with the fine arts of Greece. Lucumo, his son by an Etruscan woman, resolved at his father's death on emigrating to Rome with his wife Tanaquil, since every prospect of honours was closed against strangers among the Etruscans. At Rome he was admitted to the rights of citizenship and changed his name to Lucius Tar-

quinius. Here he became so popular, that on the death of the king, the senate and citizens raised him with one accord to the vacant throne.

Of the wars ascribed to L. Tarquinius against the Latins, and the Sabines, the Æquians, and the Etruscans, the accounts in the two historians, Dionysius and Livy, contradict each other in various points. If we are to believe the former, Tarquinius in the evening of his days was the acknowledged sovereign of the Etruscans, the Latins, and the Sabines. This much seems certain, that the power of Rome under this king rose far above what it had ever been before. His victory in the Sabine war was owing to his having doubled the number of the cavalry. The king had intended to add three new centuries, but his plan was opposed by the augur, Attus Navius. He therefore associated to each of those established by Romulus a second under the same name, so that from this time forward there were the first and second Ramnes, Tities, and Luceres. The writers, who state that the equestrian order was increased to 1200, take a century for 100 horsemen, and suppose that the six centuries were further doubled by the same king after the Æquian war; the fact, which they refer to, was nothing but the union with an equal number of Latin calvary in the field, like that between the infantry of the two nations.

What has made the name of Tarquinius ever memorable is that with him begins the greatness and the splendour of the city. The vaulted sewers for draining the Velabrum, the Forums, and the valley of the Circus, the embankment of the Tiber, and the porticoes of the Forum, the racecourse of the Circus, and the foundation of the city walls are attributed to him. To cheer the people during their hard service, the king instituted games, which from this time forward were celebrated annually in September under the name of the Roman or Great Games. (Appendix I.) The rites of religion also, which till then had been plain and

simple, were clothed with splendour under Tarquinius. In his reign bloody sacrifices are said to have been introduced, and adoration to have been first paid to the representations of the gods under human forms. The memory of this king was honoured and celebrated by the descendants of those, who had sighed under his heavy yoke : nay, the sufferings themselves were imputed to his detested son, although neither the Forum, nor the Circus, can have been laid out, until the great sewers had been built. Tarquinius had reigned thirty-eight years when he was assassinated by the agents of the sons of Ancus Marcius, who were fearful, that if the approach of death found him in possession of his consciousness, he would secure the succession to Servius Tullius his own favourite, and the darling of the whole people.

The birth of Servius Tullius was, according to the legends, no less marvellous than humble. His mother Ocrisia was a handmaid of the queen, and one of the captives taken at Corniculum ; his father was a god. In his boyhood a supernatural wreath of flames, which incircled his head as he slept, foreboded his future eminence, towards which his courage in war and prudence in peace contributed to pave the way. When Tarquinius became very old, Servius was entrusted with the exercise of the government, and on his death, which was for some short time concealed, he continued to exercise the authority of king without any election. However, when the death of Tarquinius became known, he brought before the curies the 'lex curiata de imperio,' and was invested by them with the imperium. If he had allowed an interreign to take place, the senate would have had the power of keeping the election of Servius from coming to the vote. In the oldest traditions Servius next to Numa seems to have had the scantiest portion of military fame ; his great deeds were laws, and he was named by posterity as the author of all their civil rights and institutions,

by the side of Numa, the author of their religious worship.

A federal union between the Roman people and the Latins was effected by Servius, who at the same time obtained the supremacy in it. All such federations amongst the ancients were connected with the worship at some common temple, and thus the confederates combined in raising a temple to Diana on the Aventine, the principal abode of such Latins as had newly become citizens of Rome. Perhaps it was because this temple was the joint property of Rome and Latium, that the Aventine was not included within the pomerium. The Sabines seem to have participated in the worship at this temple.

The legend relates, that the king's beneficent and wise laws were received by the patricians with sullenness and anger: he would not allow them therefore to dwell upon the Esquiline, but assigned the valley to them, where they settled and formed the 'Vicus patricius.' His suspicions were not unwarranted: this much may be considered historical, that the patricians conspired with a heinous rebel against the venerable king. The domestic crimes of Tullia and Lucius were likely to fail in their grand object, for Servius to complete his legislation entertained the thought of resigning the crown and of establishing the consular form of government. The patricians too were no less alarmed at the prospect of the laws of Servius being thus confirmed for ever. When the conspiracy was ripe, Tarquinius appeared in the senate with the badges of royalty, and was greeted by the insurgents as prince. Servius hastened thither on the report of the sedition, and reprimanded Tarquinius as a traitor. The latter seized the infirm old man and thrust him down the stone steps: and as some faithful adherents were leading him away he was overtaken by the emissaries of the future tyrant and murdered. His daughter Tullia, having hailed her husband king, passed home-

ward along the street where the body of her father was lying, and drove her chariot over the corpse. The people, stunned and dismayed, suffered the chains which had been loosened to be rivetted again: yet the memory of Servius continued to live very long, and since the people celebrated his birthday on the nones of every month, when the patricians were pressing hard upon the commonalty, the senate enacted that the markets should never be held on the nones, lest the country people being gathered together and inflamed by present oppression and by the remembrance of better times, should venture upon an insurrection to restore the laws of the martyr.

## CHAP. XXVI.

### EXAMINATION OF THE STORIES OF L. TARQUINIUS AND SERVIUS TULLIUS.

The historical air which the story of Damaratus wears from its apparent chronological agreement with that of Cypselus, vanishes upon a more accurate examination of the dates assigned to L. Tarquinius, whose birth must be placed at least fifty years later than the period marked out in the legend, in order to avoid the absurd inconsistencies which would otherwise exist in the latter part of the story. Damaratus then ceases to be the contemporary of Cypselus, and down comes the whole story which was fabricated out of this coincidence by some Greek learned in chronology. What is related of him, as being the introducer of alphabetical writing and of the arts from Greece into Etruria, is an ancient tradition of the same kind as that, which made Evadner teach the art of writing to the Latins. Originally it was without any determinate date, and only represented the fact as belonging to

that remote period when writing was first diffused and the arts were in the germ: had the notion become more distinct, the age of Damaratus would have been thrown back, like that of Evadner, far beyond the first Olympiad. As to Corinth being called his home, the great resemblance that exists between the earthen vases of Tarquinii and those of Corinth, leads us to infer that there was some peculiar intercourse between these two maritime cities: and perhaps some Corinthian of the same name did actually at one time or other reside in Etruria, and gain a celebrity, which became still greater from his name being given by the fable to that ancient teacher of Tyrrhenia. Having thus become generally known like Pythagoras, the Roman legend connected Tarquinius with him, as it did Numa and the Æmilii with the Greek philosopher, and from the Roman chronology it was concluded that he must have been contemporary with Cypselus and so might be a fugitive Bacchiad. Now should any person conceive that the historical features of this story are to be detected behind the legendary mask, and that Tarquinius may have been a Tyrrhenian born of an Etruscan woman in a marriage of disparagement, he might urge among other arguments his having introduced Greek rites and representations of the gods into the Roman temples. A conjecture, however, far different may be hazarded, that the Tarquinii were of Latin origin. We know that there existed at Rome a whole Tarquinian house, which was banished along with the last king. We also find mention of Tarquins at Laurentum; even if we suppose these to have been exiles of that house, the legend must have made them turn their steps to this place, in the same manner as it made Collatinus settle at Lavinium. When such a belief was current, assuredly Tarquinii was not looked upon as their home. But the Latin origin of the Tarquins is pointed out by the surname of the first king, just as the names of other patricians showed

from what people they sprung. For Priscus was the name of a people just like Cascus; the Prisci Latini were the Prisci et Latini. Now the Servilii, among whom Priscus was a surname, were among the Alban houses on the Celian, as were the Clælii who bore the surname of Siculus; for the Albans were conceived to be a mixture of the Siculans with the Priscans; but as the Servilii being Priscans belonged to the Luceres, so were the Tarquins the heads and representatives of that tribe. In this capacity they will appear in the course of the history; thus the father called up the lesser houses into the senate, and they were the faction which supported the son in his insurrection. The Albans, although a mixed race, were mainly Tyrrhenians, and this accounts for the worship of the Greek gods at the Ludi Romani, which, if Tarquinius was an Etruscan, is so inexplicable. The name of Caia Cæcilia, the wife whom another legend gives to Tarquinius Priscus instead of the Etruscan Tanaquil, implies a connection with Præneste, said to have been built by Cæculus the heroic founder of her house. (Appendix K.) Lucumo as a name for an Etruscan would have been just like that of Patricius for a Roman; the application of it in the legends of the Romans to individuals, is a proof how utterly uninformed they were on every thing that concerned a nation in their immediate neighbourhood, from their not understanding a word of its language. The account of the Etruscan war in spite of the Capitoline Fasti cannot be considered historical; at the same time the union of Rome with Etruria may chance to be one of the very few particles of historical truth relating to those ages. But even if Rome was the capital of a king who ruled over Etruria with whom Tarquinius from his name was identified, who is there able to assure us that Rome conquered Etruria, and that it was not a Tuscan who fixed his abode in Rome, the central point of Etruria, Latium, and the land of the Sabines?

The legend that Servius Tullius was born in slavery was probably occasioned by his name, the derivation of which was absurd, for the Roman names are of Sabine or some other foreign origin, as even Varro the most capricious of all etymologers allows. Whatever way we regard him, the most remarkable of the Roman kings, whose personal existence the history of the constitution cannot refuse to recognise, is still in all the narratives of our historians as much a mythological being as Romulus and Numa. The Tullii are mentioned among the Alban houses by Livy: hence it would be probable that Servius also belonged to the Luceres, or we might conjecture that he was the offspring of a marriage unsanctioned by the state with a Latin woman of Corniculum. An original document, however, throws quite a different light upon the story. We find an account of what the Etruscan annals related about Servius in the fragments of a speech made by the emperor Claudius concerning the admission of some Lugdunensian Gauls into the senate, which fragments are preserved on two tables discovered at Lyons in the sixteenth century. It is there stated that according to the Tuscans, "Servius was the faithful follower of Cæles Vibenna and shared all his fortunes. After a variety of disasters he retired from Etruria with the remains of the army which had served under Cæles, and occupied the Cælian hill at Rome, which he called after his former commander. He exchanged his Tuscan name of Mastarna for a Roman one, obtained the kingly power, and wielded it to the great good of the state."

Now Cæles Vibenna and the settling of his army at Rome on the hill named after him, were mentioned in the annals, but the dates assigned to the latter event were various. Tacitus himself assumes that it was in the reign of Tarquinius Priscus; other writers place Cæles under Romulus during the Sabine war. The Lucumo mentioned in this war was no other than

Cæles, who was transplanted into the age of Romulus, because Lucerum existed from time immemorial by the side of Rome, and the Tuscans on the Cælian were taken for Etruscans. In another legend most probably the Lucumo Tarquinius was identified with this very Tuscan leader: in that case the calling up of the lesser houses, or of the Luceres, answered to the settling of Cælius and his followers. In like manner we may suspect that there was a connection between the Roman legend of Tarquinius, the assumed supreme head of all Etruria, and the Etruscan one of the conqueror Tarchon, the founder of Tarquinii. This Tarchon, however, belongs to the Tyrrhenians, and was probably the hero who gave the name to the house of the Tarquinii. The legend of Mastarna retiring to Rome, like the ordinary one of L. Tarquinius Priscus, clearly implies the notion, that there was a time, when Rome received Tuscan institutions from a prince of Etruria and was the great and splendid capital of a powerful Etruscan state. At Rome, however, as in Etruria, much which was regarded as Etruscan was in fact Tyrrhenian, and consequently any thing but foreign to the Latins: so that it is not necessary, when the Alban colony is excluded from history, to deny altogether the Latin stock of the first Romans, or to refer them to the Etruscans. The conquest of the Pelasgian Agylla by the Etruscans, and consequently their advance to the Tiber, previous to which they could not have established a colony at Rome, cannot be referred to very remote ages, and before the time of the Etruscans, the Sabines were a powerful nation in those parts. The connection between Cære and Rome may either have been founded on the connection between the Tyrrhenian Agylla and Rome, or may have originated in the wish of an Etruscan sovereign to introduce genuine Etruscan laws, which he accomplished by sending for priests and teachers from the nearest city of his own people; and thus a perma-

nent intercourse between the Roman and Cærite priesthood might be established. The close union between Rome and Latium is altogether incompatible with the hypothesis of Rome being an Etruscan colony, but may be reconciled with that of a very powerful action of Etruscan influence. (Appendix L.) The story of the death of Servius may have but little historical reality, but this much is certain that the laws of the man who called the commons to freedom, were for the most part rendered abortive by a counter-revolution of the patricians.

## CHAP. XXVII.

### THE COMPLETING OF THE CITY OF ROME.

The festival of Septimontium preserved the remembrance of a time, when the Capitoline, Quirinal, and Viminal hills were not yet incorporated with Rome; and when the city consisted of seven districts, Palatium, Velia, Cermalus, Cælius, Fagutal, Oppius, and Cispius. These were not indeed all hills, as the Cermalus was at the foot of the Palatine, and the Fagutal probably in the plain between the Palatine and the Cælian. Oppius and Cispius are the two hills of the Esquiline. This original scheme of seven hills was subsequently expanded by the Romans to fit a much more enlarged state of things. These places which had sprung up near one another were not united by any ringwall, but were each strengthened, according to circumstances, by a wall and a ditch. The part most in need of defence was the plain between the Palatine and the Cælian, and here was the line of the Marrana or ditch of the Quirites, mentioned among the works of Ancus, a moat running from the edge of the Aventine towards the neighbourhood of the Porta Capena. The esta-

blishing a local communication to unite Septimontium with the hills of Quirium on the one side, and with the Aventine on the other, was the beginning of a new city. It commenced with the building of the Cloaca Maxima, which carried off the collected waters of the Velabrum, and of the valley of the Circus; this river-like sewer discharges itself into the Tiber through a sort of gate in the quay, which is in the same style of architecture as the sewer, and must have been erected at the same time, inasmuch as it dams off the river from the Velabrum, which was redeemed from it. It was only for the Velabrum and the valley of the Circus that this Cloaca sufficed: far more extensive structures were requisite to convey into it the waters drained off from the land about the Forums and the Subura, together with what came down from the hills: and a vault no less astonishing than the one described was actually discovered in the year 1742, passing off from the Velabrum in the direction of the Subura. The material however of which it was made, shows that it was of much later date than the Cloaca Maxima. The latter was built of Alban or Gabine stone, 'peperino,' the former of 'travertino,' which did not come into use till after the time of the kings. (Appendix M.) And perhaps at the period when Dionysius states that the censors expended a thousand talents in repairing the sewers, they substituted in the room of some imperfect structures which needed repairs, an indestructible cloaca like that of Tarquinius, constructed with the stone then in esteem at Rome. In a military point of view the union of the whole city was effected by the erection of the wall of Servius. This was scarcely a less work than the Cloaca. It extended from the Colline to the Esquiline gate, a distance of seven stadia: out of the moat, whose breadth was more than one hundred feet, and depth upwards of thirty, there was raised a wall fifty feet wide, and consequently above sixty high, which was faced towards the moat with a skirting of

flagstones and was flanked with towers. The Viminal, so called from its osier thickets, and the Esquiline from its oak woods, which were both enclosed within this wall, were as yet uncultivated : they formed a space to receive the peasant with his cattle in time of war, and afforded a safe place of pasture, like the enclosure between the long walls of Athens. Besides, there is singular justice in Cicero's expression, that Rome stands on a healthy spot in the midst of a pestilent country. The air even between the wall of Servius and the present walls is unhealthy, it must have been then equally as noxious in summer as now, and the country people at that time must have retired as at present during the summer months into the city. This explains how it came to pass that Rome, where trade was only carried on for the mere necessities of life, and where both the burghers and the commonalty consisted wholly of farmers, had so large a compass, and yet in those days the country was not left without inhabitants. Even in the present day, the people unconsciously acknowledge the Rome of Servius to be the true city.

The city excepting on the side and in the valleys was fortified solely by the steepness of its hills ; its circumference, a little larger than that of Athens, did not measure six miles. On the Janiculum there may have been a fort, but the notion that walls came down from it and reaching to the Tiber protected the bridge, is utterly a mistake. The bridge was beyond the walls of the city ; these stretched from the Tarpeian rock along the Aventine, between the Circus and the river, and may still be traced by a continuous ridge of rubbish. These works and the building of the Capitoline temple declare with an irresistible voice that Rome under her later kings was the capital of a great and flourishing state.

## CHAP. XXVIII.

## THE SIX EQUESTRIAN CENTURIES.

The increase of the senate, whereby the number of the senators was raised to 300 is ascribed to the first Tarquinius; this increase, as has been already stated, was effected by admitting the Luceres. The most difficult point, however, in the whole earlier history of the constitution is the formation of the three new centuries attributed to the same king. If the Ramnes, Tities, and Luceres were in fact centuries and tribes of the houses, although the troops of horsemen were also called by the name of the tribe they belonged to; then the centuries formed by Tarquinius and named after the old ones, but as secondary to them, were likewise tribes of houses; and nothing less than the design of creating new centuries out of new houses to stand alongside of the old ones, could give occasion to the extreme violence with which Navius opposed him, and to the miracle wrought in support of it. It could never have been a mere change in military arrangement, which was in contemplation. (Appendix N.) Thus much is clear, that the sovereign wished to form three new tribes of houses, partly out of his own retainers, partly from among the commons, and to name them after himself and his friends: nor is it less clear, that Attus Navius, acting in the spirit of the old citizens, withstood the king to the utmost, and even called in heaven to his aid. In what sense, however, are we to consider that he yielded, since the king still formed three new centuries, which, being united with the old ones under the name of the 'sex suffragia,' outlived the constitution of the classes such as it came from the hands of Servius? And again, how came it, that the number

of the curies still continued to be thirty as in the original three centuries or tribes?

When Tarquinius proposed to create three new tribes, he must have intended to divide them like the former three into thirty curies, and to establish that number of new ones. This however did not take place. There are two suppositions to explain this; one is, that the original 300 houses still existed in their full complement, and that the same number of new houses among the commons were admitted into the body of the burghers, ten new houses being assigned to each cury and the number of curies remaining the same as before; but, inasmuch as each cury was now twice as numerous, only 5 curies instead of ten would be reckoned to a century, which even in this manner would still consist of one hundred houses. The more probable idea is, that the original number of houses had long since fallen short, as is generally the case in all exclusive aristocracies. Now supposing that half of the houses had become extinct, so that each cury on the average no longer contained more than five houses, then if the remainder amounting to about 150, were collected together into half the number of the original curies, and the vacant fifteen were filled up with newly adopted houses, the ancient proportion of ten houses to a cury would have remained undisturbed: and this latter hypothesis is confirmed and almost established by the statement, that Tarquinius doubled the senate, raising the number from 150 to 300; just as the doubling the cavalry and the centuries is ascribed to him. Here, however, two changes are confounded, between which a considerable interval would probably elapse. Most probably when the council of the Luce-res was incorporated with the supreme one, the original numbers of either were no longer complete, and without weighing the numbers too minutely, we may combine the two statements, which represent the senate, the one as having been increased by a hundred, the

other as having been doubled : the former being effected in conformity to the original plan of the constitution, the latter by creating the three new centuries. The first of these measures must have been the earlier, but the second too must have preceded the legislation of Servius. Against the idea that these new centuries rather than those of the third estate were called the lesser houses, there is a strong argument in this, that the colleges of priests continued to be filled exclusively from the two superior estates, each of which appointed two, corresponding to its two centuries. This leads us to suppose that each of the additional centuries shared in the honours of its elder namesake. In the early history of Naples we meet with a constitution consisting of curies and houses in which the progressive development of its institutions supplies a strong parallel to the changes pointed out above.

## CHAP. XXIX.

### THE COMMONALTY AND THE PLEBEIAN TRIBES.

In every state the constitution of which has been grounded on a certain number of houses, a commonalty has grown up or subsisted by the side of the burghers or freeholders. The members of this commonalty were under the protection of the laws, and had certain duties assigned to them by the laws, but were excluded from the government, which was confined to the houses. The origin of such a commonalty in cities mostly coincides with that of the rights of the pale-burghers, but it increased in extent and still more so in importance, when a city acquired a domain the inhabitants of which were sometimes admitted in a mass to the rights of freemen ; more frequently however such only as removed into the city obtained this privilege. This addition of freemen from foreign places

connected by a community of civil or national law, and of emancipated bondmen, increased the variety of its elements, in such a manner that its name was fully justified by its nature. Among the ancients civic trades and commerce were in low repute, whilst agriculture was in the highest, and we thus find the commonalty often made up of inhabitants of the domain; but in the middle ages the scale of their estimation was reversed, and a commonalty grew up within the walls, composed of artisans and tradesmen of all sorts united from their necessities in companies, which in consequence of their local compression developed such a force as was not to be found among the rural population. But this peculiarity in their nature gave a totally different character to the revolutions, by which the commons gained the upper hand in the middle ages, from that of those whereby the plebs among the ancients acquired first freedom, and then a superiority in the state. The consequences likewise were totally different; the government of the traders and manufacturers made the free cities unwarlike, that of the country people made them bold and firm. Still the difference between a civic and rustic commonalty does not destroy the parallel in the history of the growth of free constitutions. It is in both cases the history of the conflict between the privileged houses and the commonalty: the latter, feeling that it is of full age and ripe for a constitution and a share in the government, the former striving to keep it in subjection and servitude. The struggle between a spreading growing power, and one pent in and dwindling away was always unequal, and if great prudence or casual advantages have ever turned the scale in favour of the houses, they have always shrivelled up into an oligarchy, and gone morally and politically to decay. On the contrary, an amicable adjustment of disputes by a compact and the establishment of a balance has been generally followed by happy times.

Aristocracies in the genuine ancient sense of the word, as formed of numerous privileged houses, and actually the most powerful, pure, and noble part of the community, were hardly to be found in the time of Aristotle; such as had not become democracies or governments of the commonalty had long before shrunk up into oligarchies, and accordingly as the commonalties over which they ruled became more numerous and important, so were they themselves daily diminishing in numbers, and were proportionably more distrustful and rancorous in the exercise of their power. When legislators however wished to escape from a democracy in the sense they assigned to it, they, like those of our times, knew of no other expedient than to take property for their standard, a measure which the philosophers judged to be utterly condemnable and oligarchal. The union of an aristocracy in full vigour with a commonalty was by them esteemed the justest and soundest constitution: this they called a polity, the Italians in the middle ages 'popolo.' But it mostly happened that even a polity, nay often a complete democracy so fenced itself in, that a body of freemen sprung up by its side out of new elements appertaining to the commonwealth, which body was essentially a commonalty just as much so as those who had attained an equality of rights, only it did not bear the name; being composed of free peasants or handicraftsmen, who were kept in the background, and whose exclusion, if their strength became considerable, was quite as injurious to the state, or at all events quite as unjust, as that of the others. The most signal example of this is afforded by the later ages of the Roman republic: its ruin arose from a stoppage in that development of its political system, which by the admission and elevation of the commonalty had made the state powerful and glorious; from the Italian allies not being invested one after another with the Roman franchise.

The demus in Attica, in the state in which Solon

found it, was a commonalty formed by the inhabitants of the country, divided no doubt even then into wards, and contradistinguished from the houses. They were the posterity of the ancient Atticans, who had not been degraded into 'thetes' either at the Ionian immigration, or subsequently by distress and the sale of their own persons. In the constitution of Clisthenes this demus was already become predominant in the state. The Roman commonalty, the plebs, arose like others out of a medley of elements, as it was by incorporating such that it supported and enlarged itself. Even in the original three towns a commonalty must from the first have begun to form, out of such persons as were received under the protection of the law, and of clients, as well those who were free hereditarily, as those whose bondage had expired by their emancipation with their patron's consent, or by the extinction of his race. This commonalty, had it continued alone, would never have risen out of obscurity; on the contrary, the destination of the civic tribes in later times to receive such citizens as were of servile descent, is to be accounted for from this being their origin. The genuine, noble, and great plebs takes its rise from the formation of a domain out of the towns won from the Latins. We may suppose, that after the destruction of Alba, a portion of the Latins were ceded by a treaty adjusting the claims of Rome and Latium, and received the Roman franchise. This resembled that which in later times was citizenship without a vote; for a vote could not then be given except in the curies. But their condition was worse than that of those who afterwards stood on this footing, for they could not intermarry with the patricians, and all their relations with them were to their prejudice. These new citizens, scantily as they were endowed with rights, were not made up merely of the lower orders, but included amongst their numbers the nobles of the conquered and ceded towns. That the plebeian com-

monalty arose out of the freemen thus incorporated with the state is sufficiently proved by the tradition, that Ancus assigned habitations on the Aventine to the Latins from the towns that had become subject to Rome: for this hill was afterwards the site of what was peculiarly the plebeian city. As in a much later age M. Manlius was looked up to by the collective plebeian order as its declared patron, so at the first beginning of the commonalty the kings were its patrons. At all events it is a gross error, which leads us to frame the most unjust judgements, to suppose, that the plebeians sprang out of the clients of the patricians, and consequently must have been insurgent hereditary bondmen: in much later times the clients coalesced with the plebeian commonalty partly from the houses of their patrons sinking into decay, partly from the advance of the whole nation towards freedom.

The existence of the plebs, as acknowledgedly a free and very numerous portion of the nation, may be traced back to the reign of Ancus, but before the time of Servius it was only an aggregate of unconnected parts, not an united regular whole. The natural division of a rural community was into districts, and such an one we find at Rome as well as in Attica. But when Clisthenes divided the people of Attica into one hundred demes, and when Servius distributed the Roman plebs into a determinate number of tribes, they did not merely collect the elementary parts, such as chance presented them one beside the other, but portioned out the whole territory into a fixed number of districts, where perhaps some of the lines of demarcation which before subsisted remained unchanged, but the majority acquired a new form during the process of separation and reunion. This local distribution in process of time transformed itself into an hereditary one; yet there was a possibility at Athens, on showing valid grounds for such an application, of migrating into a different phyle, and the Roman censors must

always have had it in their power to comply with requests for transfers of this sort, when made with regard to tribes enjoying an equality of rights. The more important distinction of these local tribes was that they were not closed against new members. Not only those, who had in after times the franchise inferior to that of the tribes, but even the patricians could enter into them. Every local tribe had a region corresponding to it, and all the free substantial members of the Roman state, not included in the houses, who were dwelling within the limits of any region at the time when the constitution was formed, were registered as its tribesmen. The region bore the name of the tribe, whether it was in the city, or in the country. In the former, until the time of Augustus, the four established by Servius were retained. They answered to the four civic tribes, and with regard to these there is no difference of opinion, but as to the number of regions and consequently of plebeian tribes originally instituted, there are totally contradictory statements. Livy confines himself to mentioning the civic tribes, as if none but these had been established by Servius; and when he copied from the Annals of the year 259 the statement that the tribes were then augmented to twenty-one, he probably assumed, if he took any thought about earlier times, that Servius had divided the Roman territory into sixteen regions. Cato, whilst he considered a greater number than twenty irreconcilable with that of the year 259 would not, however, assert that twenty was the original number in direct opposition to the older annals. How the tribes increased from twenty to thirty-five was to be found related every where, and Vennonius, when he ascribes the whole thirty-five to Servius, betrays unparalleled ignorance and carelessness. Dionysius, however, quotes a statement from Fabius, that Servius divided the Roman territory into twenty-six regions, so that with the four civic ones there would have been thirty regions

and the same number of tribes : this is also confirmed by a fragment of Varro. Now the internal probability is strikingly in favour of the number thirty, because the patricians and the Latins, between whom the plebs stood as an intermediate body uniting the two, were both divided into thirty corporations ; analogy also would lead us to this conclusion. The sole objection is that at the admission of the Crustumine tribe, the number then existing was only twenty.

The difficulty, however, may be solved by considering, that there was an essential correspondence between regions and tribes, and as the registering or assigning landed property within every district formed the groundwork of a tribe, and the voting by regions was equivalent to voting by tribes, so likewise a tribe might have ceased to exist when the state was compelled to give up the region, which was its basis. The Eleans for instance had twelve phyles, but when they lost a part of their territory to the Arcadians, along with the demes comprised in it, the number of phyles left was only eight. That the Romans in the treaty with Porsenna were forced to cede the territory on the Etruscan bank of the river is acknowledged. The tale of its being restored to them belongs to the romance of history. Now we frequently find that a vanquished people were compelled to give up a third part of their territory to the conqueror ; if such was the measure adopted by Porsenna with regard to Rome, it would explain how it came to pass that just one third of the original tribes disappears. These tribes correspond in number not with the tribes of the patricians, but with their subdivisions, the curies. This leads us to question, whether their name may not originally have been a different one, and whether ten of them were not requisite to make a plebeian tribe ; so that at first there would be three such, which subsequently sank to two. This conjecture is favoured by the number of the two tribunes at the Crustumine secession, and by the

number of the military tribunes, who were to be chosen out of the two orders, and whose regular number seems properly to have been six, three for the patricians according to their tribes, and three for the plebs. But in fact there is an express statement, that the plebs at the second secession had twenty tribunes, divided into two decuries, each of which appointed its chief, just as the decuries of the senate had each its leader. That these tribes at first comprised only plebeians and not the patricians and their clients, will be made to appear hereafter. It may be observed, however, that in their assembly the tribunes were supreme; they were never convoked by a patrician magistrate; when they met, the patricians and their clients had to withdraw from the forum; and the centuries would have been needless, had they not been instituted to mediate between the two bodies and to unite them. The Claudian tribe, however, is stated to have been made up of clients of that house, but in the first place this fact is very far from certain; it may however have been an experiment, whether the ten which were extinct could not gradually be replaced by new ones formed out of the clientry; at all events it would have been no greater deviation from the principles of the constitution, than the receiving the Claudii among the patricians in the place of the Tarquinii. With reference to the fact that some tribes bore the names of houses, it may be assumed that both were so called after the same 'Indiges,' and that both performed sacrifices to him, as to a patron of a higher order.

That the tribes of Servius were plebeian is proved at least in substance by Varro's connecting their institution with the assignment of landed property. The right of enjoying the profits of the national domains by 'possession' originally belonged to the patricians, who after receiving the lands invested their clients with them. The right to an assignment of property therein was attached exclusively to the plebeians; in

other words all landed property, strictly speaking, with the exception of the district under the city walls, was in the hands of the plebeians alone, and all the assignments of land were in their favour and were a set off against the exclusive holding which the patricians enjoyed in the public domains. By the assignment under Servius the plebs was established in its distinctive character of free hereditary proprietors. From this time forward the Roman nation consisted of two estates, the 'populus' or body of burghers, and the 'plebs' or commonalty, both, according to the views of the legislator, equally free, but differing in degree of honour. Probably the Romans in accordance with their idea that every part of nature was divided into two sexes and two persons, looked upon the nation as consisting of 'populus' and 'plebes.' The use of the former word for the sovereign assembly of the centuries belongs to a nearer period, for the whole nation to yet more recent times, and along with the second meaning the original one long continued to prevail. This is evident both from expressions in the historians, and from judicial and legislative formularies. The 'concilium populi' is repeatedly opposed to the 'exercitus vocatus' or assembly of the centuries, and, by keeping this in mind, much, that is contradictory in the history of Rome when certain decisions are considered to be those of the centuries, will be freed from difficulties by referring them to the curies. The place of meeting of the populus was the Comitium, that of the plebs the Forum; even the distinction between the two orders is visible in their games, which were two-fold, the Roman, and the plebeian. The first were held in the great Circus; whilst the Circus Flaminius must have been designed for the games of the commonalty, which in early times chose its tribunes there on the Flaminian field.

As the Marcii designated the nation by the two words populus, and plebs, so the formularies of prayer,

by which all proceedings in the presence of the whole nation were opened, sometimes made mention of the Quirites, sometimes of the plebeians, along with the populus; as the plebeians now stood in the same relation to the collective body of the curies in which the second tribe had once stood to the first. Hence arose the custom of addressing the assembly in the Forum by the name of Quirites, hence the phrase, Quiritary property. Servius established judges for private actions, for every tribe probably three elected by each severally. These were the original tribunal of the Centumvirs, a name that arose out of common parlance. The causes, which came before this court, referred uniformly to matters which occurred in the Census, or were concerning Quiritary property. The one senatorian judge, who was appointed by the prætor, was properly called an 'arbiter.' The 'judices,' who after the abolition of the Decemvirate, were declared inviolable along with the other plebeian magistrates, were the Centumviri. Besides the election of these judges and of the tribunes, it is assuredly most probable, that the plebeians had ædiles, forming a peculiar local magistracy, and possibly other officers.

It would certainly be more consistent to suppose that the royal author of that constitution which posterity designated with the name of Servius Tullius, after establishing the plebeian estate, did not leave it so destitute of protection as it was before the secession. Cicero himself declares that the plebs by the secession recovered its hallowed rights, its liberties. The measure, by which they were secured, was new, and was the result of necessity, owing to the change in the form of the constitution, but of the rights themselves the commonalty cannot have been destitute. That these rights had been wrested from them by L. Tarquinius and the patricians, is evinced among other instances by the state of the law concerning debts. We are distinctly told that a law of Servius abolished

the practice of pledging the person, and substituted that of pledging property, and that this beneficent enactment was repealed by Tarquinius the tyrant; and for 200 years after the banishment of the kings the patricians prevented its renewal, till by the Pætelian law the selfsame measure made a new epoch in the freedom of the plebs. Livy's statement, that the first consuls were chosen in conformity to the commentaries of Servius, implies that the election of those officers was contemplated in his scheme of remodelling the constitution: his plan must have been to place the two free estates on a level in the consulate as well as elsewhere, in the manner in which it was effected by the election of L. Brutus, and permanently by the law of C. Licinius and L. Sextius. On a different supposition, the commonalty would have been in a worse condition under annual magistrates fettered by the prejudices of their order, than under a supreme head, who, retaining his functions for life, would emancipate himself, and the longer he reigned the more so, from the prejudices of the order out of which he too had proceeded.

## CHAP. XXX.

## THE CENTURIES.

The assembly of the centuries was devised by Servius, to accomplish the perfect union of the council of the burghers and that of the commonalty, and thereby to prevent that discord in the state, which must have ensued, had all national concerns been brought before each council in its separate capacity. In this assembly the patricians and their clients were united together with the plebeians and the municipals, so that no one who could in any way look upon himself as a Roman was excluded from it. The mistakes of historians as to the nature of this institution need not surprise us, for they are not speaking of an institution still existing,

nor even of one which had been recently changed, but of what had long since passed away. No change was made by Servius in the equality of the ancient burghers among themselves; his timocracy affected those only who stood entirely without the pale of that body, or those who at the utmost were attached to it, but were far from partaking in the same equality. The six equestrian centuries established by Tarquinius were incorporated by Servius into his comitia, and received the name of the 'sex suffragia' so that these comprised all the patricians, without any distinction according to the scale of property. The twelve which were added by Servius, according to Livy, out of the principal men of the state, were the chiefs of the commonalty, chosen out of the richest and most illustrious families. Thus the patricians, who unquestionably as a body were the richest, as well as the leading men in the state, had all of them places in the 'sex suffragia' by birth and descent, though particular individuals might happen to be exceedingly poor, whereas wealth and not bare lineage was to be taken as the criterion for the plebeian aristocracy, which was to be established under a new form. In the same manner, among the Greeks, wherever the ancient government did not dwindle into an oligarchy, the transition to that later order of things which the course of nature brought about, was effected by the remnant of a decaying aristocracy uniting themselves into one class with the richer landed proprietors among the commonalty.

We must not however confound the first institution of the knights with what took place afterwards, nor suppose that the subsequent standard of an equestrian fortune, a million ases, is derived from the time of Servius. We cannot suppose that the descendants of those, who were originally enrolled, took their station otherwise than hereditarily, whether they were plebeians or patricians; in fact we may infer from Polybius, that the knights previously to his time were

chosen according to birth, and from Zonaras, that the censors had the power of rewarding merit by raising a mere plebeian to the equestrian order; and thus the regulative principle was plainly the reverse of one that depended on property. The original equestrian fortune clearly cannot have amounted, as in aftertimes, to a million, as the leap from 100,000 ases to a million would not be in proportion to the other intervals in the ascent of the classes, and in the second Punic war we find this part of the scale subdivided into two classes. This much may be conjectured, that the obligation of those who were registered as horsemen to serve as such at their own cost, when a knight's horse could not be assigned to them, was determined by a certain fixed amount of their property; and that, if it fell short of this, they were bound under the same circumstances to enter into the infantry. At first it was without doubt one of the patrician privileges to have a horse furnished to them by the state, and a yearly rent assigned for its keep: this was prior to the establishment of the commonalty as an estate, and if restricted to those among the ruling burghers, who, though equal to their fellows in rank, were below them in fortune, there was nothing unfair or oppressive in it.

The twelve plebeian centuries were modelled after the six older ones of the patricians. We must not, however, suppose that the centuries of the knights corresponded to the turms of the cavalry: but on the other hand the classes represented an army of infantry, in exact accord with the constitution of the legion; troops of the line and light armed soldiers with their body of reserve, their carpenters, and their band, and even with the baggage train. This exact conformity to the frame of an army was peculiar to this institution, and from military service and civic rights being connected with the hereditary landed property of the plebeians, the ground was laid for Rome to become a warlike state.

The classes, and they alone, were divided into centuries of the juniors and the seniors, equal in number; the former destined for service in the field, the latter for the defence of the city. The age of the seniors began with the completion of the forty-fifth year; their liability to service terminated with the close of the sixtieth year with which all civic rights expired: the age of the juniors commenced with the sixteenth year, although the first year was probably merely for bodily exercises, and not for actual service. One of the fundamental principles in this constitution was to adapt the distribution of power, and of arms as the means of maintaining power, to the scale of property; a scheme akin to the theory which regards the state as a joint stock company. In accordance with the regard paid by ancient nations to the counsels of the elders, we find the seniors placed on a par with the juniors as to the number of their centuries. This is also in accordance with what Cicero says was the design of this institution, to withdraw the power of deciding from the majority, as from actual returns of population we are warranted in calculating the numerical proportion between the seniors and juniors to be in the ratio of one to two. The difference among the numbers contained in the centuries of the different classes must have been exceedingly great, since the principle was, that the votes allotted to each class bore the same proportion to the collective sum of the votes, as the taxable property of its members bore to the total taxable property of all the five classes, and that the number of citizens contained in each stood in an inverse ratio to the numbers which designated their property. Thus three persons of the first class, four of the second, six of the third, twelve of the fourth, twenty-four of the fifth, stood on a level, if an average be taken, in point of fortune and consequently likewise in their votes; therefore the numbers in the centuries of the lower classes must have increased in the same ratio. The second,

third, and fourth classes must each have possessed property amounting to a fourth of the aggregate fortune of the first, the fifth to three-eighths, for else it would not have had thirty centuries. (Appendix O.) Accordingly the number of citizens in the second came to a third, that in the third to half of those in the first; that in the fourth was equal to it; that in the fifth thrice as great. By the principle of this division, out of thirty-five citizens six belonged to the first class, twenty-nine to the other four. Moreover, if the juniors of the first class had not actually amounted to about 4000, there was no reason for making forty centuries of them, as the inconvenience of so large a number for voting cannot have escaped the legislator. If the seniors of the same class were taken to be half the juniors, the numbers just set down came out in thousands, if we give 6000 for the first class, 35000 for the whole five, a sum by no means improbable. This may explain why when a century was only a part of a tribe, the number of tribes was raised to just thirty-five and no more.

The 'assidui' or 'locupletes,' who comprised all those below the fifth class, whose fortune was above 1500 ases, formed two centuries, the 'accensi' and 'velati,' the former were perhaps those who were rated at more than 7000 ases, the latter those whose return fell between that sum and the return made by the proletarii. These assidui were not exempted from military service, since on pressing emergencies even the proletarii were called out, nor can they have been without the right of voting in which the proletarii and the capitecensi partook. Their military duty was the lightest in the whole army, since they followed the legion without any business or burden, and one by one filled up the gaps which were made, and received arms for that purpose. The 'fabri' had a place assigned them by the side of the first class, and formed one century. The 'liticines' and 'cornicines' made up with the fabri, accensi, and velati, the five centuries attached to the

eighty-five junior centuries. The proletarii in the more precise sense of the word were those whose fortune was below 1500 ases, and above 375: such as fell below this mark, and those who had nothing at all were called 'capitecensi.' In a wider sense and as contrasted with the assidui, both these divisions were comprised under the term proletarii. Thus we may observe that the eighty centuries of the first class and the eighteen of the knights would together just outnumber the ninety centuries of the four lower classes, and the seven detached centuries. The proletarii were not only inferior to the locupletes from the insignificance of their share in the right of voting, but to all the assidui in their civil capacity and estimation. It is an obscure question how one citizen was a vindex for another; none, however, but an assiduus could be so for his fellow, (Appendix P.) and the phrase 'locuples testis' demonstrates that even in giving evidence there was a distinction humiliating to the poor. When such was the case, it is impossible to suppose that the proletarians were eligible to plebeian offices, but, as a compensation for this, they were exempted from taxes. Whether the five classes were on a perfect level as to their eligibility to offices is a point on which nothing is known, but it seems certain, that they were represented by the tribunes when the number of those officers was raised to five, and therefore each class probably elected its deputy severally and out of its own body. The sums at which the plebeians and ærarians stood rated in the census were not the amount of their capital in the notion of every transferable source of income, but only of such property as they held in absolute ownership, and of this many kinds were perhaps excepted. The census furnished no measure of the wealth of the patricians, as the estates in the public domains which they possessed and enjoyed the usufruct or made grants of, transmitting them by inheritance subject however to resumption at the will of the sovereign, cannot have been reckoned

by them as property. The refinement of considering a life interest as absolute property was unheard of among the ancients. As to the persons liable to taxation, it is clear that all those things, which, as objects of Quiritary property, were in the strictest sense '*res mancipii*,' were comprehended in the census; and under this at one time every thing was comprised which did not come under the head of mere possession, granted either by the state or by a patron. An actual valuation of a person's capital would have been impracticable, so that not only many elements of wealth were omitted in the census, but what made it still more inadequate as a criterion of property was, that debts were not deducted.

The numbers employed as measures of property sound so enormous that some slight investigation of the Roman currency is requisite. Dionysius in giving the census of the classes in drachms, by which he means denaries, for these were originally minted of the same weight and value with the Greek silver coin, (Appendix Q.,) makes his estimate exactly one-tenth of Livy's, which was according to the proportion existing between copper and silver at the time when the as weighed two ounces: when, however, it weighed a full pound, it must have been worth six-tenths of a drachm, or nearly four oboli. Brass money was in general use amongst the nations of Italy, except on the southern coast where, as in Sicily, silver money was current. This is shown from the large sums of brass money which the Roman armies obtained amidst their booty in Samnium and elsewhere, whilst but an inconsiderable quantity of silver was carried home in triumph. Rome had the same currency, and we have every reason for supposing that the as, when first minted, weighed a full pound. The abundance and cheapness of this metal is implied by its general use for armour and domestic utensils. Copper was furnished by the mines of Tuscany, but the produce of the mines of

Cyprus was the most considerable; the influx of which into Italy is attested by the Latin and our own name for the metal. It probably formed a chief article of the Carthaginian commerce with Italy. The low price consequent on such plenty agrees with every thing that is known respecting the quantity of brass money and its value in the times before the introduction of silver; and Dionysius, as far as any thing like a proportion can be made out, was justified in assuming that the old as was of the same value relatively to silver as the as reduced to the weight of the old sextans. The reduction in the weight of the as was assuredly gradual in accordance with the rise in the price of copper. This was owing to the decrease in the produce of the mines, and the increase in its consumption and exportation from Italy, as well as to the interruption of commerce by the Punic wars. The market price of coin at different periods is certain evidence, that the value of brass was rising, as the weight of the coin was diminished. The reduction in the weight would no doubt be resolved upon to meet the exigencies, which ensued from the tributum and other taxes being fixed at a stated number of ases: had this measure not been put in force, the countryman, who now received fewer ases for his crop, would have had to pay the same sum as when bullion was at a less price in the market, and the debtors would be placed in an equally painful situation. After the conquest of Campania, when denaries were issued as the national money, it would seem that silver at first was rated too high in proportion to copper. This circumstance caused the latter metal to be exported in great quantities to Sicily, which would hasten at an increased rate the rise of its marketable value. The great variety of weight in the ases gave rise to the use of the scales for all bargains transacted in 'æs grave;' the weight supplied a common measure for the national money, and the old coins might still circulate. This 'æs grave' bore the same proportion to minted

ases that pounds of silver bear to pounds sterling. With the introduction of a silver currency and the practice of counting by sesterces this mode of reckoning ceased entirely, and from that time forward, wherever ases are spoken of, coined ases reckoned by tale are meant.

Every Roman was bound to make an honest return of his own person, his family, and his taxable property, and, if he neglected to do so, was liable to a severe punishment. The law also provided the means for detecting false returns by instituting registers, for births in the temple of Lucina, for those who entered into youthhood in that of Juventas, for death in that of Libitina, and for sojourners at the Paganalia. All changes of abode and of landed property were announced to the tribunes of the 'pagi' or 'vici.' All alienations of articles liable to the 'tributum' were made before five witnesses, representing the five classes. The object of this custom was as much to trace the object of the sale for the census, as to guarantee it to the proprietor. It was by the plebs that the regular tax according to the census was paid: its very name tributum was deduced from the tribes of this order. It was not a property tax in anywise corresponding to the income of the tributary class, but a direct tax upon objects, without any regard to their produce, like a land or a house tax. It was peculiarly oppressive as it varied with the exigencies of the state: it did not extend below the assidui, as the proletarii merely made a return of what they possessed. The notion of their paying a poll-tax is built on an unfounded interpretation of the 'tributum in capita,' which was made up of the rates imposed individually on the ærarians, and the funds for knights' horses. The latter funds were levied on the orphans and single women, 'orbi orbæque,' who are always mentioned apart in the population returns, who, as they could not serve in the legions, were made to contribute largely for those who fought in behalf of

them and the commonwealth. The *æ*rarians, who were not included in any tribe, were not under the obligation of serving in the legions. Now the clients of the patricians were enrolled in the centuries, yet they did not serve in the legions, so that the exacting a higher tribute from them and from the descendants of freedmen, who, by getting enrolled in the census with their masters' consent, acquired necessarily the civic franchise without however becoming members of any tribe, was quite as fair as from the purveyors of knights' horses: and since their fortune was in the main of a totally different kind from that of the plebeians or free landholders, being the produce of commerce and trade, a different system was appropriate; that of taking an estimate of the property of each individual. To an arbitrary taxation of this kind the commonalty must have been subjected before the legislation of Servius, which substituted the regular tribute according to the census. Hence came the story, that down to this time a poll-tax was paid, and the burdens of the richest and poorest were equal. When Dionysius states that Tarquinius the tyrant exacted a poll-tax of ten drachmas per head, he confounds the payer with the receiver. The monthly pay of a footsoldier was 100 ases, and most probably this pay, the '*æs militare*,' was originally a charge on the *æ*rarians, as the '*æs equestre*' was on widows and infants. The change, which is represented as the introduction of pay, consisted in its being no longer confined, as it had previously been, to the existing number of persons chargeable on the *æ*rarians, but so extended that every soldier received his share. The plebeians likewise along with the exclusive obligation to serve in the foot, were made universally and regularly liable to the tribute for paying the army; and this explains why the tribunes of the people murmured that the tribute was only levied for the sake of ruining the plebs. As to the patricians, we cannot suppose that they

were taxed like the *ærarrians*. They perhaps paid on the same footing with the plebeians for property of the same kind, whilst for the national lands in their occupation they contributed some adequate portion of the profits. This rentcharge formed a part of the funds from which under the kings the great public works were executed: when the patricians became sole rulers, they got rid of this charge, and hence, so long as they were rulers, no building worthy of notice was erected.

We must not allow ourselves to suppose with Dionysius, that the first class paid very dearly for its superiority in rank and weight, because it was incessantly under arms, and that too in a far greater proportion than the rest, making up nearly half the legion. An institution of such a nature, that the flower of the citizens should be thus abandoned year after year to destruction, were unworthy of the Roman lawgiver. The phalanx was the form in which the Roman armies were originally drawn up: the mode of arming the Servian centuries was essentially Greek, without a single distinguishing feature of the Roman legion. The chief weapon was the spear, of such a length that the fourth line could employ it with effect. Here we have an explanation of the difference in the defensive armour of the Servian centuries, where the second had no coat of mail, the third neither this nor greaves, since their contingents made up the hinder ranks, which were covered by the body and weapons of the first class, who formed the van. Among the hereditary forms which have long outlived their causes, was the Roman practice of drawing up in file ten deep, which was handed down from the time when the century consisted of thirty men. The statement by which this is proved, is found in an account of the engagement near Vesuvius, in which the consuls, in order to ensure success, made an alteration in the usual order of battle. At this period the arms had been already altered, and the phalanx resolved into maniples; this,

however, did not alter its composition. We may be allowed to suspect that Camillus was the general who transformed the inanimate mass of the phalanx, whose action was entirely mechanical, into the living body of the Roman legion, combining in itself every variety of troops, and adapted for every variety of service. The first class then sent into the field forty centuries, the number of its junior votes; thirty of these formed the 'principes,' ten were stationed among the 'triarii:' the second and third in like manner furnished forty centuries, twenty a-piece, double the number of their junior votes; ten of each score composed the 'hastati,' who bore shields, and ten stood amongst the 'triarii.' The fourth and fifth class again supplied forty centuries; the former class ten centuries, the 'hastati,' who carried javelins, and had no shields; the latter the thirty centuries of 'rorarii;' which again was double of its junior votes. Here we have three divisions of 1200 men; the first 'hoplites,' in full armour; the second, men in half armour; the third, *ψιλλοί*, without any armour. We cannot fail to observe, that these forms belonged to the Roman state in very remote ages; for the centuries are supposed to have had their full complement, according to the original scheme of Servius, when there were thirty tribes.

Now, since the first class supplied singly the same number of centuries as the two next did jointly, we have the proportion conjectured above for the phalanx, five ranks of the former, and five of the two latter. The number of the light infantry was half that of the troops in the phalanx, which agreed with the system of the Greeks. The accensi stood apart from the phalanx as they did from the classes. Their business was to take the arms and fill the places of the killed, or to fill up the gaps in the rear as those in front were filled up by the soldiers immediately behind. Thus the centuries of the first class, although it was not drained out of proportion to its numbers when compared with

the second in return for its political privileges, still, as they formed the front lines, stood the brunt of the fight. In the same way the knights purchased their precedence by a larger share of danger.

The regular comitia of the centuries assembled in the field of Mars, where, summoned by the king, or by the magistrate who occupied his place, they determined on such proposals of the senate concerning elections and laws, as were put to the vote by the person who presided; they had perfect liberty to reject them, but their acceptance did not acquire full force until it had been approved by the curies. In capital causes, where the charge concerned an offence against the whole nation, their decision was final. The plebeians made their testaments in the field of Mars, as a soldier might do in the field of battle before an engagement, where the army would represent the centuries, just as the patricians made their wills before the curies in the Comitium; and just as an 'arrogation' required a decree of the curies, so the 'adoption' of plebeians must have taken place before the centuries. The liberties of the commonalty, as forming a part of the legislature, were confined to the possession of a negative voice; they could originate nothing; nor could any one come forward and speak on the propositions laid before them; any measure, if assented to by them, might meet with a subsequent rejection from the curies. The patricians, on the other hand, had a powerful influence on the centuries; partly by the votes of the ærarians, partly by taking the assembly by surprise, or by tiring it out. Yet even the concession of these slight liberties to the commonalty, was not made by the patricians according to the regular forms, but has the look of having been effected by the power of an absolute king: so true is it that every oligarchy is envious, oppressive, and deaf to reason and prudence. The same qualities attach to the smockfrock of the yeoman of Uri, as to the velvet mantle of the Venetian noble.

The history of Sparta is the mirror of what that of Rome, but for the freedom of the plebeians, would have displayed. Without the laws of Servius, Rome, like Etruria, might have become powerful for a season; but her power must in like manner have passed away: like Etruria, she would have been unable to form a regular infantry, whilst the power of the Samnites, founded on their noble body of foot, would have approached nearer and nearer to Rome; and, before they met, would have preponderated.

## CHAP. XXXI.

### L. TARQUINIUS THE TYRANT, AND THE BANISHMENT OF THE TARQUINS.

The destruction of the constitution of Servius was the work of the usurper, the price for which his accomplices allowed him to reign as king without even the bare show of a confirmation by the curies. The oppressed plebeians had, however, the wretched solace of seeing the exultation of their oppressors soon converted into dismay, and the senators and men of rank became most exposed to the mistrust and cupidity of the usurper. His authority was not confined to Rome, but extended widely over Latium, where the influence of his son-in-law, Octavius Mamilius of Tusculum, combined with the condemnation of Turnus Herdonices of Aricia, contributed to its increase. Latium bowed beneath the majesty of Rome, whose king henceforward presided over the Latin Feriæ. The Hernicans, too, did homage to Tarquinius, and joined in the festival. The conquest of Suessa Pometia was the commencement of the wars against the Volscians. The tithe of the spoils gained in these wars was devoted to the building of the Capitoline temple; and in the conquered territory Tarquinius founded two co-

lonies, Signia and Circeii. The war against Gabii, which was one of the thirty Latin cities, arose from its refusal to participate in the determination of the Latin confederacy to acknowledge the supremacy of Rome. Within their walls, both cities were invincible; but the pretended rebellion of Sextus obtained a ready welcome for him at Gabii, where he soon rewarded the deluded citizens by surrendering their town to his father.

The good fortune of Tarquinius was disturbed by the appalling prodigy of a serpent creeping out from the altar in the palace and seizing on the flesh brought for the sacrifice. In his anxiety about the interpretation of this, he sent his sons Aruns and Titus with Lucius Junius, the son of his sister, to consult the oracle of Delphi. This kinsman, who, to save his life, had put on the show of stupidity, and thereby acquired the surname of Brutus, was present when the priestess gave answer to the youths, that he who first kissed his mother should reign at Rome. Brutus, in running down the hill fell, and with his lips touched the earth, in the centre of which stood Pytho, its primitive sanctuary. Other prodigies and dreams continued to alarm the king. In vain was he warned by the interpreters of dreams against the man whom he deemed simple as a sheep; in vain did the voice of the oracle concur with his nightly visions; fate must have its way. Ardea, the city of the Rutulians, refused to submit to the king, and was besieged with a large force. Its impregnable situation was proof against all but treachery or famine. In consequence, the Roman army lay idle in their tents before its walls, until the inhabitants should have consumed their provisions. Here, as the king's sons and their cousin, L. Tarquinius, were sitting over their cups, a dispute arose respecting the virtue of their wives; they determined straightway to visit their homes by surprise, and to decide their wager according to the accidental

occupation of the princesses on their arrival. The palm was adjudged to Lucretia, the wife of L. Tarquinius, whose residence was at Collatia, of which he possessed the principality. Her beauty excited the lust of Sextus, who returned to his kinsman's house alone, and there, in the dead of the night, wrung from her what the fear of death alone could not have extorted, by threatening to lay by her side a dead slave and thus render her memory for ever loathsome to the object of her love.

Who, after Livy, can tell of Lucretia's despair? Her father, Lucretius, came to her, attended by P. Valerius; her husband, Collatinus, with the outcast Brutus. They heard the tale of her crime, and swore to avenge her; and over the body of Lucretia, as over a victim, they renewed the oath of their league. The corpse was borne to the market place of Collatia, where the citizens renounced Tarquinius, and vowed obedience to their deliverers. The funeral procession was then led to Rome, where Brutus, as tribune of the Celeres, convoked the burghers, who by an unanimous decree deposed the king and pronounced sentence of banishment against him and his family. The king marched with a few followers to Rome, but the gates were shut against him; and in the mean time Brutus had reached the camp at Ardea, where the centuries confirmed the decree of the curies. The deposed king, with his sons Titus and Aruns, retired to Cære, where Roman exiles were entitled to settle as citizens. Sextus went back to Gabii, and ere long fell a victim to the vengeance of the citizens. The centuries in the field of Mars, confirmed the resolution of the curies and of the army; the laws of king Servius were re-established; Brutus and Collatinus were chosen consuls by the centuries, and invested with the imperium by the curies.

The Etruscan ambassadors, who had been sent on behalf of Tarquinius to Rome, contrived to excite a

conspiracy, which was discovered through means of a slave. The sons of Brutus were amongst the conspirators, but the affection of the father was merged in the justice of the consul. They were beheaded with their accomplices, and the property of the Tarquinii was confiscated. The whole Tarquinian house then received sentence of banishment; even Collatinus laid down his office and retired to Lavinium, whilst P. Valerius was appointed consul in his stead. In an engagement between the Etruscans and Romans, Aruns Tarquinius and Brutus encountered each other, and both fell mortally wounded; victory however was decided in favour of the Romans, and the obsequies of Brutus were solemnised by the republic.

The delay of Valerius in procuring the election of a colleague in the place of Brutus, in conjunction with the building of a stone house on the Velia, excited a suspicion that he was aiming at the usurpation of kingly power. In consequence of this he stopped the building. When he had enacted laws for restraining the consular power within fixed bounds, he transferred the fasces to Sp. Lucretius, as his senior. Lucretius did not live to the end of the year; it was closed by his successor, M. Horatius, who at its expiration was called a second time to the consulate, along with P. Valerius. Horatius dedicated the Capitoline temple on the ides of September, which henceforward formed the commencement of the era, for keeping account of which a nail was driven into the wall there on the same day of every year. The thought of being indebted to the tyrant for this temple, the chosen seat of the gods and the most splendid ornament of Rome, was repugnant to the feelings of the later Romans. Hence the laying the foundations, at least of the Capitol, with the appearance of the omens of universal empire and of its eternity, were assigned by many, the visit of the sibyl by a few, to the father, L. Tarquinius Priscus. Earlier ages, however, were of a different

way of thinking. This temple comprised the triple sanctuary of Jupiter, Juno, and Minerva, underneath the same roof, with party-walls to separate them. It was constructed probably of 'peperino;' and the artists who built and embellished the Capitol were sent for out of Etruria. The severity of the ancient Italian principle, which would not tolerate any corporeal representations of the gods, had already been overpowered by the influence of Greece. The tradition, that the duumvirs who had the care of the sibylline oracles, were instituted by the last Tarquinius, is evidently derived from the pontifical or augural records. From what little has been handed down, divulged perhaps after their destruction in the time of Sylla, they appear to have been written on palm leaves. The method of consulting them was most probably by shuffling them, and drawing forth a leaf. Whether they contained presages of coming events, or merely directions respecting ceremonies for conciliating or appeasing the gods, is extremely uncertain. That they came from an Ionian source, although the neighbouring town of Cumæ likewise boasted of her prophetess, is clearly proved by their enjoining the worship of the Idæan mother, as well as by the mission to Erythræ for the sake of restoring the books after their destruction. They were probably written in Greek hexameters. We have other evidence that this language was intelligible to the Romans long before the period when Greek literature was introduced; and as these oracles invariably ordained the worship of Greek deities, they must have exerted great influence in suppressing what the religion of Rome had derived from the Sabines and the Etruscans. In addition to the Sibylline books, there were preserved in the Capitol by the same duumvirs, the Etruscan prophecies of the nymph Bygoe, and the homesprung ones of the Marcii; those too of Albunea from Tibur; and perhaps many others, all of which came under the

general title of 'Libri Fatales.' Such books every Etruscan city seems to have possessed, and in primitive times every Greek city had similar prophecies preserved in the holiest of its temples. Amongst the Greeks however they were superseded by living oracles, not so among the Italians. The divining lots of Præneste, of Cære, and of Albunea, were probably slips of wood with ancient characters engraved on them, and one of these was drawn for the person who consulted the oracle. The banishment of the kings was commemorated every year by the Regifugium or the Fugalia, on the 24th of February: this however was not a day historically ascertained; its connection with the Terminalia, which it follows immediately, leads to the inference that the day was merely chosen with a symbolical view.

## CHAP. XXXII.

### COMMENTARY ON THE STORY OF THE LAST TARQUINIUS.

Such may we conceive to have been the outlines of the old lost poem, a clear and vivid perception of which is all which a modern critic should aim to give; nor attempt to clothe it in the rich dress, which a national and poetical historian might think it his duty to throw over the story of his country. It is however impossible to sever what is historical from the poem. Certain it is that Rome possessed Sibylline books, yet none can tell who wrote them, or say more than that the Sibyl is a poetical creation. It is no less indubitable that Tarquinius was a tyrant and the last king of Rome, yet there are most glaring chronological impossibilities in the story, and in the account of Brutus a string of absurdities inconsistent

with one another. Thus Brutus was a child at the beginning of the reign of Tarquinius, which lasted only twenty-five years, and at the end of it, the father of young men who join in a conspiracy with the exiles. He was considered an idiot, yet held an office by which he had the power of convoking the citizens. He was a magistrate yet had not even the management of his own fortune. In contradiction to the two historians, who represent the subjugation of Latium as effected by persuasion, Cicero says that it was subdued by arms. Again, he says that the Veientes were the only Etruscans who took up arms, so that the people of Tarquinius are introduced into the war to confirm the story of the pretended home of the Tarquinian family. Their migration to Cære is derived from the pontifical law books, where it was brought forward as the origin of the privilege conferred by the community of franchise to go and settle there with the rights of citizenship. The story of Sextus and the people of Gabii is patched up from the two well known tales in Herodotus without any novel invention. Nay Pometia itself cannot possibly have been destroyed under Tarquinius, as in the first age of the consulate it is besieged and taken by the Romans: its greatness is without doubt entirely fabulous. There are good grounds for conjecturing that there was no Suessa called Pometia, and that the only town of that name was Suessa Aurunca. Even the abolishment of the institutions of Servius attributed to Tarquinius cannot be admitted without limitations; as for the particular acts of tyranny told of him, there is the air of invention about them which would accord with the spirit of a victorious party indulging itself over a fallen enemy. That Brutus procured the banishment of the Tarquinius, in his capacity of tribune of the Celeres, was demonstrated by the 'lex tribunicia.' The lay of his feigned idiocy was incompatible with this fact, but the two stories were combined by

the annalists. The poetical tale may have been occasioned by his surname, which however may have quite a different meaning. In Oscan, Brutus signifies a runaway slave; one may therefore easily conceive how the partisans of Tarquinius would readily apply such an epithet to him. The meeting of Sp. Lucretius and P. Valerius with Collatinus and Brutus, and their joining in vowing the banishment of the tyrants, has quite the look of a historical fact, yet this is merely symbolical of the union between the three patrician tribes and the plebs. It is possible that these very four men may have represented each his own order, and governed the republic till the consulship was established. Valerius represented the Sabines. That Lucretius belonged to the Ramnes may be inferred not only from the lictors going to him from Valerius owing to his superior rank, but from his office of governor of the city, which was attached to the dignity of the first senator or the first among the 'decem primi' of the Ramnes: hence Lucretius was interrex. Collatinus, as a Tarquinius, was one of the Luceres, and Brutus was a plebeian.

The statement that at the moment of the revolution a truce for fifteen years was concluded with Ardea, is strangely at variance with what we find mentioned in the treaty of the first consuls with Carthage, when the Romans stipulate, as protectors, for the people of Ardea as for a subject Latin city. The admission of Collatinus to the consulship and his subsequent banishment may be accounted for on the same principle that was generally adopted in Greece in abolishing the regal power by gradual steps. The first was in the nature of a conciliatory compromise with the Tarquinian house; but the change going on in the state could not halt long here. The Tarquiniî furnished fresh grounds for suspicion, and the whole house was in consequence banished; a record, which

is the more instructive, as it represents them under a totally different aspect from that of a single family, the grandchildren and great-grandchildren of Damaratus.

### CHAP. XXXIII.

#### THE BEGINNING OF THE REPUBLIC, AND THE TREATY WITH CARTHAGE.

The kingly power was transferred, with no abridgement but that of the priestly dignity, to annual magistrates, who in those times still retained the name of 'prætors.' This title was not exchanged for that of 'consuls' till after the decemvirate. The name 'consul' means nothing more than 'colleague,' the termination of it being analogous to that of 'præsul,' and 'exsul,' where it merely signifies 'one who is.' The earliest election was probably conducted by the centuries according to the laws of Servius, and the plebeian L. Brutus was elected to fill one of the curule seats, as it was the interest of the older tribes to treat the plebs with indulgence, till they had driven the third tribe back within bounds. That Brutus belonged to the plebs may be inferred from this. He was considered the founder of the nobility of the Junian house, and they, especially the Bruti, were plebeians; they were tribunes of the people down to the end of the republic; whilst not a single Brutus occurs in the Consular Fasti before the Licinian law, and after this law more than one Junius Brutus appears in them, as the plebeian colleague. Unless the consulate was shared between the two orders, all the liberties of the plebeians were left without a safeguard; and as the Licinian Agrarian law merely revived in fact that of Cassius, which ought to have been in force during the preceding 120 years, and

which itself had only given effect to an ordinance of Servius, in the same manner the Licinian law respecting the consulate seems only to have given a tardy effect to a very ancient principle of the constitution. The objection to Brutus being a plebeian rests mostly on his holding the office of tribune of the Celeres; yet either this might have been conferred upon him arbitrarily by the tyrant from jealousy of the patricians, or it was open to a plebeian, as may be inferred from this circumstance, that the office of 'magister equitum' was universally regarded as a continuation of that tribunate, and a plebeian could hold this office at the time when the consulship was still closed against his fellows.

Although the majesty of the consuls fell very short of that of the kings, the patrician class at least was far better secured against a consul abusing his power, first by the interposition of his colleague, and secondly by the power of impeachment through the quæstors at the expiration of his office. These public accusers were the quæstors spoken of in the 'lex curiata,' by which Brutus had it enacted that their office should continue on the same footing as under the kings. They were chosen by the curies before the time of the decemvirate, when the election of them was transferred to the centuries. After the establishment of the consulship, we find the senate began to be made up of 'patres' and 'conscripti,' patricians and such as were called up by the consuls: these latter were plebeian knights who were admitted then for the first time into the senate. In the fluctuation of accounts this equalizing measure must be assigned to Brutus as a plebeian rather than to Valerius. That an innovation in the original system of filling up the senate from the houses, for which that of supplying the vacancies from the curies was substituted, had preceded the reception of the conscripti, we have strong evidence in the Ovinian tribunician law, of

which we read in Festus. Judging from our knowledge of ancient phraseology, such a law must have been one passed by the curies on being proposed to them by a tribune of the Celeres. If the plebeians were admitted into the senate so early as under the first consulate, the patricians probably took back all which they had conceded, as having been extorted from them. Even after the Licinian law the plebeians were but a small number in the senate for a long time, yet they had already seats there before they attained to the quiet enjoyment of the right to be chosen military tribunes. When the senate became a mixed assembly, the office of interrex was regulated on a new footing, so as to confine it still to the patricians.

The assignment of farms to the plebeians in lots containing seven jugers each is referred back to the first consulship. Nothing but the royal domains can have been extensive enough for such a distribution, whereby all who received an allotment were united against the restoration of the old order of things. The right of citizens to speak in the great council of the curies seems to have originated then, and ought to be ascribed to Brutus. After his death, Publicola granted a general permission for any one to be a candidate for the consulship: this was tantamount to the abolition of the rule that no name should be brought forward but such as the senate proposed, and looks like a specious compensation to the plebs, giving them a freer choice instead of the share in the supreme office which had been withdrawn from them.

The right understanding of the word 'populus' dissipates the fancy that 'Poplicola,' the surname of Valerius, was the designation of a demagogue, who courted the favour of the multitude. The assembly, whose authority he recognised, by the lowering of the fasces, was a 'concilium populi,' the great council of the patricians. To this court he proposed the law by which death was declared the penalty attached to

any attempt at the usurpation of kingly power. A better foundation for Publicola's fame, is afforded by another law, which is said to have been the first enacted by the centuries. The patricians had always had the right of appeal from the sentence of the supreme magistrate to their great council. A similar right of appealing to the commonalty, the right of trial by their peers, was granted by the Valerian law to the plebeians. This however did not extend beyond one mile from the city; as here began the unlimited imperium to which the patricians were no less subject than every Quirite. These laws are said to have been passed in the first year after the banishment of the Tarquini, and in the same year the earliest treaty between Rome and Carthage was concluded, which Polybius translated from the original brazen tables then existing in the Capitol in the archives of the ædiles. This document Livy either neglected to make use of, or designedly suppressed all knowledge of, as it was utterly irreconcilable with that poetical tale which had been transformed into a history. It divulged the secret of the early greatness of Rome, and of her fall after the banishment of the Tarquini, inasmuch as, at the time when the republic concluded this treaty, she still possessed the whole inheritance of the monarchy. All public documents at Rome were attested by the consuls under whom they were drawn up, and as Polybius had no particular reason for introducing the name of the consuls of his own accord into this treaty, it certainly cannot be questioned that the tables contained those of Brutus and Horatius as colleagues. This however overthrows the whole story that, after the death of Brutus, P. Valerius remained sole consul and at that time enacted the Valerian laws, as well as the other account, that Sp. Lucretius was the successor of Brutus. There were probably Fasti, in which the four men were designated as the first rulers of the

republic, and the name of Lucretius may have found its way into the list of consuls; or there were two statements in different Fasti as to the consuls of the year 247, and some annalist devised a way of reconciling the difference by making the one pair successors of the other. Amongst other adulterations of the Fasti, Dionysius has inserted a pair of consuls of whom Livy says nothing, and is assuredly correct in his omission of their names. The five successive consulships of the Valerian family, and the great distinctions and privileges which they enjoyed, such as were never bestowed as rewards of services on the most distinguished Roman generals, lead us to conjecture, that among the gradual changes of the constitution the Valerian family possessed for a time the right that one of its members should exercise the kingly power for the Tities. As soon as we take this point of view the jealousy of the Romans against Publicola on account of his house at the summit of the Velia, and the measures adopted for tempering the consular power begin to look as if they had a historical foundation. That the Tities are the tribe which they would have represented, follows from the acknowledged Sabine descent of their house. When this privilege of holding the consulship for their tribe was given up by the Valerian house, cannot be ascertained from the Fasti. The contents of the early Roman history, even on this side of the revolution, are poetry and fiction. The Fasti, which are supposed to substantiate it, were framed with a view of filling up the given space of time. Even the year of the war with Porsenna is placed in different years by different sets of Fasti: this war however probably belongs to a considerably later time, and in the whole account of it there is nothing able to stand the test of the slightest criticism, as historical truth.

## CHAP. XXXIV.

## THE WAR WITH PORSENNA.

The narrative, which relates that, after the battle by the forest of Arsia, the Tarquinii had recourse to Lar Porsenna, king of Clusium, for assistance, does not appear to have gained universal currency, since Cicero speaks merely of the Veientes and the Latins as the allies of Tarquinius. He therefore either conceived the Veientine war in which Brutus fell to be the same with that of Porsenna, or discriminated between this latter as a war of conquest, and the attempts of the neighbouring states to restore the exiled royal family. Such was, without doubt, the older and genuine representation. In this narrative then the Etruscans under Porsenna march singly against Rome, and in the poetical account their army appears at once and with an overwhelming force before the Janiculum. Three men covered the flight of the Romans over the bridge and saved the city, in like manner as three had won for her the dominion of Alba, and in this case no doubt there was one for each tribe. The bards little troubled themselves about the difficulty as to how Rome could be starved by an enemy who was only encamped on the Janiculum; it was enough for the poem that the city was reduced to desperate straits by famine. The attempt of Caius to assassinate the invading king failed, but the burning of his right hand in contempt of the flames earned for him the honourable title of Scævola. In the number of the 300 young patricians who had conspired to rid their country of the invader, we have the number which is for ever recurring in the old poems. Scævola was rewarded by the senate no less munificently than Cocles with a grant of land. The plebeian name of Mucius does

not accord with the old lays which most probably regarded him as a patrician, as his associates are spoken of as the flower of the Roman youth. In them he was perhaps merely designated as Caius, according to the practice in those early times, since the peculiar Roman name for persons, or, as it was afterwards termed, the 'prænomen,' was of old no less predominant in general use than Christian names are at the present time in Italy. The surname of the Mucii, according to Varro, had a totally different sense; and the claim set up by the Mucii to Caius, is without doubt one of those glaring instances of family vanity, which fall under the censure of Cicero and Livy. (Appendix R.) Tacitus alone pronounces the truth as to the termination of this war, that the city was forced to submit to the conqueror as her lord. A vanquished state stood in a relation to a ruling one, similar to that of an individual when his independence has been forfeited by his adoption according to the process of arrogation, or by his having pledged his person for debt. This plenary power was partially exercised when a town on being reduced to dependence, was amerced of a certain portion of its territory. This portion was frequently a third. A tax, usually a tenth, was laid upon the produce of all the cultivated land which was restored to the conquered people. It has been before observed that a third of the plebeian districts which Rome possessed in the time of Servius, was lost; and there has also been preserved a tradition that the Romans at one time paid a tenth to the Etruscans. A document, cited by Pliny, shows how totally the Romans had lost their independence, as they were expressly prohibited from employing iron for any other purpose than agriculture. A confession that Rome did homage to Porsenna as its sovereign lord is involved in the story that the senate sent him an ivory throne, and the other badges of royalty; for in this very manner the cities of Etruria are repre-

sented to have acknowledged L. Tarquinius Priscus as their prince. The statement of Livy respecting the evacuation of the citadel on the Janiculum, seems connected with the restoration of independence to the city after it had been disarmed. Twenty hostages were surrendered by the Romans, boys and damsels, as pledges of their observance of the treaty. In the meanwhile Porsenna had returned to Clusium, whilst his son Aruns had advanced with a part of his army against Aricia; which in those days was the principal city of Latium. The succours from Cuma and other cities, decided the defeat of the Etruscans, whose general fell. In gratitude for the hospitable treatment shown by the Romans to the Etruscan fugitives, Porsenna restored to them the seven Etruscan 'pagi.' Had not the truth suited ill with the rest of the story, the Roman historians might have recounted with triumph how their ancestors had courageously seized the moment for emancipating their city from its foreign lord, but through a false shame they were unwilling to acknowledge their previous humiliation. Most of the incidents in the war of Porsenna are but the reflections of the image of those in the Veientine war, which after the disaster of the Cremera brought Rome to the brink of ruin. The events, localities, and individuals are almost identical. We must not however consider it as a mere shadow and echo of the other. It was without doubt that Etruscan war, by which Rome, although it raised itself again and regained its independence, lost ten regions; and it must be placed before the year 259, when the tribes were raised to the number of twenty-one, though perhaps not long before that period. The returns of the census in the years 246, 256, and 261, in which the numbers are 130,000, 150,700, and 110,000, are confirmatory of this. In our annals the war with Porsenna falls between the two former dates, whilst between 256 and 261, there is neither a pestilence nor a loss of ter-

ritory but on the contrary, a victory over the Latins. Nothing can be more incongruous, but, if we do not suffer ourselves to be dazzled by the annals holding up dates to us, we may still explain this. The great increase in the former case was owing to the extension of the isopolite franchise; the decrease of 40,700, on the other hand, may have arisen mainly from the separation of tribes enjoying isopolity, but without doubt likewise from the loss of the regions wrested from Rome, and of the landholders, many of whom assuredly still clung to the soil.

## CHAP. XXXV.

### THE PERIOD DOWN TO THE DEATH OF TARQUINIUS.

From the variations in the dates assigned to the celebrated battle of Regillus, it is clear that the old triumphal Fasti did not mention it. Without doubt, too, it was only the later annalists, who spoke of Postumius as the commander; they had already forgotten that Africanus was the first Roman who gained a surname from his conquests, whilst they did not observe how frequently surnames from places of residence occur in the Fasti of the earliest times. The Claudii took that of Regillensis, as well as the Postumii. The battle of the lake Regillus, as thrust into history, stands without the slightest result or connection: as described by Livy, it is not an engagement between two armies, but a conflict of heroes like those in the Iliad; all the leaders encounter hand to hand, and by them the victory is thrown now into one scale, now into the other, whilst the troops fight without effect. In the old poem we may conjecture that the whole generation, who had been warring with one another

ever since the crime of Sextus, were swept away in this conflict of heroes, which closes the Lay of the Tarquins.

The death of Tarquinius at Cuma is certainly historical; the poetical account of his escape from the battle at Regillus was made to tally with the historical record. Of the sons and grandsons of the Roman exiles, some may perhaps have been amongst the followers of Appius Herdonius when he seized the Capitol, and may thus have breathed their last in the home of their fathers. Amongst the events placed in the last portion of the mythical age, is the reception of the Claudian gens. In the year 250, Attus Clausus, a powerful Sabine, migrated to Rome with the members and clients of his house. The Claudii, as it may be conjectured, replaced the Tarquinian house and tribe; the plebeians however in this tribe must have been as independent as in every other, else this would look like an attempt to intermix tribes of clients with those composed of free proprietors. The one-and-twentieth tribe of the year 259, must be the Crustumine: this was the first substituted for one of the lost ten, as also the first that was named after a place instead of an 'Indiges.' Crustumeria is said to have been taken in the Latin wars, but the receiving its citizens into the Roman plebs, was probably the consequence of a treaty with the Latins. In the same manner we may suspect that those Sabines, who with the remnant of the dissolved Tarquinian tribe made up the Claudian, came to Rome on the conclusion of peace with their nation; and that the Claudii then for the first time became Romans and patricians. The author of this peace was Sp. Cassius, whose two subsequent consulships are memorable for the leagues establishing a community of franchise with the Latins and Hernicans. This accordingly was that great man's plan to support the tottering dominion of Rome, and to pave the way for her recovering what she had lost; and the

beforementioned increase in the numbers of the census after 246 is accounted for, if a similar relation was entered into with the Sabines in 252; not indeed with the whole nation, but with the nearest cantons. That such a compact however cannot have been durable, is clear from the subsequent diminution.

## CHAP. XXXVI.

### THE DICTATORSHIP.

The appointment of the first dictator is placed in the tenth year after the first consulship, and the oldest annalists say, that it was T. Lartius. This honour, however, has been assigned to a nephew of Publicola. The name of dictator was of Latin origin, as well as the character of the office, invested with regal power for a limited period. We know not only that there were dictators in Latin towns, but that a single dictator occasionally ruled the collective body of the Latins. If Rome and Latium were confederate states on a footing of equality in the room of that supremacy which lasted but for a short time after the revolution, they must have possessed the chief command alternately; and this would explain why the Roman dictators were appointed for only six months, and how they came to have twenty-four lictors; namely, as a symbol that the governments of the two states were united under the same head: the consuls had only twelve between them, which went by turns from one to the other. Thus the dictatorship at the beginning would be directed solely towards foreign affairs, and the continuance of the consuls along with the dictator would be accounted for. The object aimed at in instituting the dictatorship, was incontestably to evade the Valerian laws; and to re-establish an unlimited authority

over the plebeians even within the barriers and the mile of their liberties. For the legal appeal to the commonalty was from the sentence of the consuls, not from that of this new magistrate, nor does such an appeal seem ever to have been introduced, as the Romans preferred to let the dictatorship drop altogether. It is expressly asserted by Festus that even the members of the houses had at first no right of appealing against the dictator to their own comitia, but they subsequently obtained this right, of which we have an instance in the appeal of Fabius from the sentence of Papirius. The later Romans had only an indistinct knowledge of the dictatorship drawn from their earlier history: as applied to the tyranny of Sylla and the monarchy of Cæsar, the title was a mere name, without any ground for such an use in the ancient constitution. With reference to the prevalent opinion, that the consul exercised uncontrolled discretion in the choice of a dictator when the senate had resolved that one should be appointed, such might possibly be the case if the dictator was restricted to the charge of presiding over the elections, for which purpose it mattered not who he was: but never can the disposal of kingly power have been entrusted to the discretion of a single elector. The true account is preserved in the pontifical law books, which clothe the principles of the constitution after their peculiar manner in a historical form. Here we have the resolution of the senate, that a citizen, whom the senate should nominate and the people approve of, should govern for six months. The people here is the *populus*: it was a revival of the ancient custom for the king to be elected by the patricians; and that such was the form is established by positive testimony. The old mode of electing the kings was restored in all its parts, as the dictator after his appointment had to obtain the *imperium* from the curies. The first change was in the patricians dispensing with voting on the preliminary nomi-

nation of the senate, and contenting themselves with bestowing the imperium on the dictator: this bestowal of the imperium became a mere empty form by the Mœnian law; thenceforward it was only requisite, that the consul should consent to proclaim the person named by the senate, so that in the advanced state of popular freedom, when the dictatorship could occur but seldom, except for trivial purposes, the appointment was most probably entirely left to the consuls. The senate however still retained the power of annulling a scandalous appointment, as in the case of M. Glycia, who was nominated by P. Claudius Pulcher for the purpose of insulting the state. The nomination to the office of 'magister equitum,' does not appear in the earliest times to have been at the pleasure of the dictator. The civil character of this office is enveloped in total obscurity, but that he was not merely the master of the horse and the dictator's lieutenant is certain. It may be conjectured that he was elected by the centuries of plebeian knights, as the 'magister populi' was by the 'populus,' the 'sex suffragia,' and that he was their protector. Hence a plebeian would be eligible to this office, even before the Licinian law. The dictator might have presided at the election, allowing the twelve centuries to vote on the person whom he proposed; this might afterwards fall into disuse, and he would then name his brother magistrate himself.

## CHAP. XXXVII.

### THE COMMONALTY BEFORE THE SECESSION, AND THE NEXI.

The appointment of the dictator by the curies was but a prelude to a far worse usurpation, by which the plebs was deprived of the right of electing the consuls

in the assembly of the centuries, as it had already been deprived of its share in the consulship. While Tarquinius excited alarm, and till the hard war with Etruria was ended, the government ruled with justice and moderation. When this was over, the patricians dealt with the plebeians as with slaves. By a succession of outrages, and above all by the pressure of usury, the commonalty, being forced at the same time to pay tribute and to serve in the army, was at length driven into insurrection. The ancient laws of debt are said to have been abolished twice in very early ages. This fact however may perhaps be open to doubt, since the difference between the rights of the two orders, which afterwards caused the need for the legislation of the decemvirs, was here so deeply rooted, that it lasted during four generations after the laws of the XII. tables. Hence Livy, when he is about to relate the abolition of bondage for debt, says that this was the commencement of a new freedom for the plebs. From this remark, evidently taken from some old annalist, it may be inferred, that the pressure of this system fell upon the plebeian debtor alone. As to the patrician, he can neither have pledged his person by covenant, nor have been sentenced to servitude by the law. Livy, in spite of his prejudices, does not suppress what was to be read in the annals, that every patrician house was a gaol for debtors, and that in seasons of great distress, after every sitting of the courts, herds of sentenced slaves were led away in chains to the houses of the nobles. We must not however suppose, that the plebeians had not the power of proceeding in the same manner; but, if they wished to abuse this power, the free possessor of hereditary property might screen himself against the persecution of a brother plebeian, either by an appeal to the tribunes of the people, or by becoming the client of a patrician. Probably the main part of the loans were merely negotiated in the names of patri-

cians on account of their clients, who were forced to appear in the person of their patrons, and who also reaped the greatest advantage from so doing. A memorable instance that virtues and vices are not heirlooms in particular families or classes of society, may be observed in the later ages of the republic, when the plebeian knights were the very class amongst whom usury struck root, whilst of the few remaining patrician houses hardly a single member has been charged with this disgraceful trade. The wretched right of the needy to sell themselves and their families, and the right of the creditor to seize upon his insolvent debtor as his servant, and by his labour or by the sale of his person to repay himself so far as this went, were widely acknowledged amongst the northern nations as well as amongst the Greeks and in Asia. Akin in their origin and results, these rights are still substantially different, and if we draw a proper distinction between them, the ancient Roman law of debt becomes perfectly clear and simple.

Debts may be incurred either by a direct loan, or by the breach of an obligation to some payment. Now among the Romans, whosoever, after the prætor had given sentence, failed to discharge the debt within the legal term, was consigned by the law to the creditor as his bondman. This person was 'addictus,' but a person became 'nexus,' when by a regular Quiritary bargain before witnesses, for a sum of money weighed out to him, he disposed of himself, and consequently of all that belonged to him; whereby under the form of a sale he in reality pledged himself. Into this state none could come except by his own act and deed. (Appendix S.) It is an utter mistake to derive the name of 'nexi' from their fetters, and to suppose that they were slaves in fetters for debt. In the most ancient times, every transaction according to Quiritary law was a 'nexum,' but latterly fictitious sales became substituted by the ingenuity of the jurists under the

general name of 'nexa,' for actual sales. These became so numerous that it became necessary to have a peculiar name for them. Hence usage restricted the general term to these, excluding the 'mancipia,' the actual transfers of property, and so Varro defined 'nexum' the form where a thing is pledged but not alienated.

Those who had no property must always have pledged their persons; but even of those who had property to give as security, many, when threatened with a sentence of addiction, would enter into a 'nexum' to escape for a time from that misfortune. If any one whose creditor laid claim to him before the prætor did not redeem himself, his lot was chains and corporal punishment, with all the hardships of slavery. So long as a 'nexus' was not 'addictus,' he enjoyed the same rights as every other full citizen; but, on the other hand, he who was adjudged as a slave, lost his civic rights and underwent that 'deminutio capitis,' of which we have indisputable evidence in the circumstance, that an action which endangered a person's civic character, a 'judicium turpe,' was a 'causa capitis,' though in no way affecting his life. When a debtor was delivered up to his creditor, such of his children and grandchildren as were subject to his authority went into slavery with him, as was the case when state criminals were sold along with their family. This circumstance was the main reason for the emancipation of children, a measure which according to the Roman law regarding domestic rights could otherwise scarcely have occurred.

The annals related that the persons who seceded on account of their debts were in the legions, but they were not men who had forfeited their freedom to their creditors, for this would have been inconsistent with the Servian constitution; they were nexi whose property and person were merely pledged. The army might be levied according to the classes, and yet the

majority of the hoplites might consist of persons, who, when their debts became payable, would not even be secure of personal liberty. This is a proof that the tribute was not paid out of the net income, for it corresponded to the census, and if debts had been deducted in assessing this, the nexi could not have stood in the classes or served in the legions. As a further confirmation of this, the liquidation of debts in the year 403 rendered a new census necessary, because, in adjusting the state of property with the demands of creditors upon it, a number of things changed their owners. The patricians, although they appear as capitalists, are in no way affected by the tribute, which is represented as a tax peculiar to the plebs. The rate of interest was at one time unrestricted and therefore exorbitant; the first legal limitation of it to ten per cent. was a great relief to the plebs: no wonder then that it is spoken of as having been an ordinary case, for the accumulated interest to raise the principal to many times its original amount. It was the custom to convert the principal when due, together with the interest, into a new debt; the discharge of which must soon have become utterly impossible. The wretchedness of the plebeians was consummated by a system of base injustice. They formed the whole infantry of the state, and yet not only was all share in the conquered lands refused to them, but even the plunder was often kept back from them, not to be employed for national purposes, but to fill the common chest of the patricians. This picture of distress deluded Dionysius, so that, when the whole commonalty was driven into insurrection, he looked upon them as a low starving multitude, whose ranks were filled with vagabonds and malecontents. Livy however does not give even a shadow of support to such an opinion. But it was natural that a Greek writer should be deceived, since his own language had only the one word 'demos' to signify 'populus'

and 'plebs,' a word which was of variable import in democracies and oligarchies. Besides, the civic plebs which Dionysius found at Rome in the eighth century was undeniably a *demus*, which from not possessing the requisites for civic honours, was expressly excluded by law, or, at all events in fact, from the senate and from offices as common people. It was formed by the body of those who partook of the largesses destined for the capitol, and consisted mainly of freedmen and semicitizens. The respectable country people and municipals were completely separate from it; still higher stood the knights, many thousands in number, and at the top of all the nobles which had coalesced with the remnant of the patricians.

That all these nevertheless were plebeians in a constitutional point of view, excepting the fifty patrician houses which still survived, was certainly known to Dionysius. In his later books too he cannot possibly have ranked the leading plebeians, when the consulate was placed within their reach, amongst the common people, nor can he have forgotten the 400 plebeians enrolled amongst the knights by Valerius. The idea of that equestrian class, which occupied the interval between the senate and the people, was possibly floating in his mind, but such an idea in this place must have vanished again the moment he tried to fix it.

There can be no question that the families of the plebeian knights in the earliest times were a nobility in no respect inferior even in birth to the most illustrious of the patricians: but it was not the splendour flowing from a few families of this sort, that gave such respectability to the Roman plebs; it was their essential character as a body of landholders, such as is denoted by their Quiritary property. The Roman plebs in early ages consisted exclusively of landholders and field-labourers, and even if many of its members were reduced to poverty and thus stripped of their estates, at least it contained no one who earned his

livelihood by any other employment; by commerce any more than by handicrafts. As it was the duty of the censorian office to erase the name of a bad farmer from the tribe of his fathers, much more so was it to remove one who had entirely deserted his vocation. Even the plebeians of the four civic tribes must be deemed to have been landholders at the first. The source of the error of Dionysius in imagining the clients and the plebeians to be the same body arose from this circumstance, that even in the eighth century a clientship was still subsisting, connecting not only the freedmen amongst the above mentioned civic plebs with their patrons, but also many persons of good birth, who wanted wealth or favourable circumstances to aid them in their efforts to advance themselves, with a patron of their own choosing, and generally the citizens of the municipal towns with the house to the protection of which their native places had anciently entrusted themselves. This clientship was no more like the old respectable clientship than the city plebs of those times was like the ancient respectable commonalty; yet the same confusion along with the subsequent reception of the clients into the tribes by the decemvirs has in one instance beguiled Livy into the notion that the individual plebeians were clients of the individual patricians, although elsewhere he abounds in passages which place the difference between the plebeians and the clients, nay their counterposition, in the clearest light. The same inconsistencies may be remarked in Dionysius. In fact, when these two authors wrote, the only real division of the citizens was into rich and poor: as to a relation of hereditary dependence, they could hardly find any traces of such. The adherents and dependents of the nobles, who bore the name of clients, were connected by a relation merely springing out of personal wants and terminating with them. The surprising thing is not that the clients were a totally distinct body from the plebeians and not included in the tribes, but that

they had votes in the comitia of the centuries even before the decemvirate. This distinguishes them entirely from the sojourners in Grecian states, yet it is probable that all the clients were not ærarian citizens, but that those foreigners who settled in Rome without possessing isopolitic privileges, as well as a part of the freedmen, were complete metics. In this likewise was the distinction of condition between slaves set free by the 'vindicta,' and those by the 'census,' as it is very unlike the customs of the early ages, that there should have been two forms for the self-same purpose. By being registered in the census the Italians might acquire the franchise of citizens, but this privilege could only have been conferred on men already free. This and no more did the slave become by the vindicta, and even by the census, before the censorship of Appius the blind, he merely obtained the rights of an ærarian. In both cases he remained the client of the master who had released him; in the former he was merely free and had the rights of a metic, in the latter he was a Roman citizen.

## CHAP. XXXVIII.

### THE SECESSION OF THE COMMONALTY, AND THE TRIBUNES OF THE PEOPLE.

The preponderance of numbers on the side of the plebeians was not so great as to ensure to them a successful issue in a contest with arms; yet the commonalty, as an united body, was evidently so strong, that its opponents betrayed the utmost infatuation, when instead of endeavouring to separate the various classes which composed it, they on the contrary wronged and outraged them all at once. In the year 259 a spark set fire to the inflammable matter, which

the injudicious conduct of the patricians had caused or suffered to accumulate. An old veteran, who had escaped from the prison of his creditor, to which the prætor's sentence of addiction had condemned him, implored in agony the help of the Quirites, and by the tale of his sufferings, which moved alike the compassion and indignation of all around him, spread an uproar through the whole city. The senate knew not how to act. The people spurned at the summons to enlist in the legions, which, with a view of diverting the storm, were to be levied against the Volscians. At length the consul Servilius issued a proclamation, that no one, who was in slavery for debt, should be hindered from serving in the legions, if he were willing to do so; and that, as long as each soldier should be under arms, his property and the persons of his children should be protected from his creditors. After a victorious expedition the army returned home to find its hopes bitterly disappointed. The harsh sentences of Appius Claudius against the debtors drove the plebeians into open insurrection; all those who were condemned found protection at their hands, and the usurers could hardly save themselves from their fury. The new consuls found it impossible to raise legions, and the senators by the advice of Appius Claudius proclaimed Marcus Valerius dictator. The popularity of his name gave additional effect to the proclamation, by which he engaged the plebeians to enlist. The Roman arms were again victorious. The dictator was rewarded with distinguished honours, but not with the release of the debtors from slavery, which, true to his word, he demanded. He thereupon laid down his office, having earned the gratitude of the plebeians, who owned that he could do no more to keep his faith.

The armies of the consuls were still kept in the field, under pretence that hostilities were likely to be renewed. They in consequence broke out into in-

surrection, and under the leadership of L. Sicinius occupied the Sacred Mount in the Crustumine district, immediately beyond the Anio. As far as may be gathered from the various accounts of this secession, when the legions encamped on the Sacred Mount, such of the plebeians as dwelt in scattered districts of the city, retired to the Aventine and the Esquiline. The Sacred Mount however was the focus of the insurrection; here were the leaders, and here the treaty was negotiated. The patricians and their clients immediately took up arms, nor were their numbers contemptible; but a multitude which sent no soldiers to the legions, and which was unused to arms, could not make head in the field against a peasantry inured to warfare. The additional pressure of foreign enemies rendered the resistance of the patricians by force of arms hopeless; they were therefore obliged to have recourse to other measures. The annalist, from whom Dionysius took the advice which he put in the mouth of Appius, that in the place of the insurgents the citizens of the colonies should be invited to receive the rights of the plebeians, and that the isopolite franchise should be conferred on the Latins, had formed an admirable conception of the ancient order of things. The treaty with the Latins, which recognised their equality as a state, was made in the year of the secession; and if an inference from the end to the means be any where allowable, there cannot be a question that it was aimed at the plebs, and that the conclusion of peace was the result of it. The notion that this distracted state of the nation lasted four months, may be easily shown to rest on a deduction which is good for nothing. The Volscians and Æquians would most assuredly not have remained so long motionless spectators. In the meantime however new consuls were elected by the 'populus,' and proposals for an arrangement were made by the patricians. Their great council empowered the senate to negotiate, and the latter

sent the ten chiefs of its body on an embassy to the commonalty as to a victorious foe. The compact between the two estates was confirmed by a treaty, and all the Romans swore to observe it. In this treaty we may observe, that the patricians contrived to detach the cause of the multitude from the interests of the men of rank in the second estate, who, when deserted by the lower orders, became powerless. The plebs neither gained the consulate, nor any other honours; the rights of the patricians were not altered, and all that was done was to give effect to the Valerian laws. We may also give credence to the account of Dionysius, that all the contracts of the insolvent debtors were cancelled, and that all who had incurred slavery by forfeiting their pledges, or by not paying their fines, recovered their freedom. The sacrifice made was only for the moment, for the patricians managed to prevent any change in the law of debt. The bearings of the fable which Agrippa made use of, if the belly be considered the type of the capitalists, are more applicable to the purpose of convincing the plebs that they themselves could not dispense with money dealings, than to the political state of things.

Whatever may have been done for the debtors, all traces of it had vanished within a few years, but the measures taken to compose the internal dissensions gave birth to an institution of a nature wholly peculiar, dangerous only as great intellectual powers and animal spirits are dangerous, which spread the majesty and the empire of the Roman people, and preserved the republic from revolutions and from tyranny; to wit, the tribunate. Its sole purpose was to afford protection against any abuse of the consuls' authority; to uphold the Valerian laws, which promised the plebeians, that their lives and persons should be secure against arbitrary force; but when the plebeians obtained the inviolability of their magistrates, they laid the foundation for a power by degrees preponderating, and ultimately

unlimited. We may suspect that it happened before this time, that, when the tribunes had come forward in behalf of such as were maltreated, they had themselves lost their lives or suffered insult. It was a controverted point even amongst the ancients, whether the tribunate was a magistracy. They, who would not allow any office to be so, unless its authority extended over the whole nation, denied it; and with justice, so far as relates to the earlier ages: but, with regard to the later, the tribunes were to the fullest extent a national magistracy. Their province however was neither government nor administration; they were protectors of the liberties of their order against the supreme power, not partakers in that power; neither were they judges between a consul and the person whom he had sentenced to corporal punishment, but only mediators. They were the senses of their order, bringing before it what they perceived, for its consideration and decision; and till it decided they prevented any irrevocable act. In this manner they interposed whenever the liberties of the plebeians were infringed. The patricians retained the right of determining on war or peace in the assembly of the curies, after the preliminary deliberation of the senate; but the tribunes had the right of protecting a plebeian who refused to serve in the army. Again, by an universal principle of Italian international law, by which a people that had been injured either collectively or in the person of one of its members, had the right of trying the foreigner whom it charged with such an offence, the tribunes had the right of arraigning the consuls and other patricians before the commonalty for offences against it. The existence of this right implies that the patricians had the same right against any plebeians who were charged with a like offence against their order.

The tribes were first made a branch of the legislature by the Publilian law. Before that time they could

only pass resolutions, which bound their own body. That the number of tribunes at first was only two, all the accounts in effect agree, though they differ as to the names. With regard to the subsequent changes in the number we find great discrepancies. The change which introduced a number having a direct reference to the centuries, could not have been made by the Publilian law; for the five tribunes were chosen one from each class, as two were from each when the number of tribunes was increased to ten. This relation cannot possibly have continued, when the constitution of the centuries had undergone an entire change. The tribune elect was at first subject to the approval of the patricians in the curies; the unanimity however of the plebeians may easily have been so great that the right of refusing to confirm the election of the tribunes may have availed the patricians but little, nor, if one solitary creature of theirs was thrust in by the votes of the clients in the centuries, was this material, so long as questions within the college were decided by the agreement of the majority amongst themselves: the contrary practice was not introduced till after the decemvirate and the revival of the abolished office. The tribunes then, from being representatives of the commonalty and merely authorised to report to it, were by this measure converted into magistrates each individually wielding a power of his own. As a corporate body the commonalty required certain peculiar and local magistrates besides its representatives. Such were the *ædiles*, whose office is said to have been instituted after the treaty of the Sacred Mount, and, like that of the tribunes, may perhaps have been older. They probably derived their name from the temple of Ceres, which was under their peculiar guardianship, where the treasury of the commonalty and its archives were.

The institution of the tribunate, according to a profound remark of Cicero's, was a check to the fierce outbursts of a people's fury, the task of resisting op-

pression being undertaken by their chosen representatives, who in conducting the opposition moderated and often quieted it. To judge from the lessons of Greek history, it was no less fortunate for the patricians, that the members of their order were from the first excluded from this office, although this arrangement was probably made by the plebeians for their own security. By the leaders of the commonalty this office was without doubt designed to be merely a transient institution, which was to be dropped when the plebs should be admitted to an equality of rights with the patricians; but when this event had taken place, the tribunate did not pass away. It however put on now a totally different character; it became a mode of representing the whole nation, even the patricians; although they neither elected nor were eligible to it. From this time forward these officers are entitled to the name of tribunes of the people, as we are in the habit of calling them from the beginning. In the later history of the Roman republic we find the tribunician power overtopping the consuls and the senate, nay even the people itself. The tribunes now no longer stood over against the supreme authority as representatives of the people, but were tyrants elected for the term of office. This however was only the last stage of the tribunate. The century and a half, on the history of which we are now about to enter, is the period of its blameless struggles in behalf of its own estate and of the whole nation; struggles by which the greatness and glory of Rome were achieved and secured for a still longer period.

# THE HISTORY OF ROME.

VOLUME THE SECOND.

## CHAP. I.

### INTRODUCTION.

ONE of the main objects of the first volume was to show that the story of Rome under the kings was altogether without historical foundation, that the recollections of the history of the monarchy on the seven hills had been purposely destroyed; and to fill up the void the events of a narrow sphere, such as the pontiffs after the Gallic invasion were familiar with, had been substituted in the room of the forgotten transactions of an incomparably wider empire. Even Fabius himself beyond a doubt knew nothing more than the story which has come down to us. On the other hand his age was in possession of a real history, though in many parts tinged with fable, since the insurrection of the commonalty; and from this time forward the restoration of a genuine, connected, and substantially perfect history may be undertaken. This would be absurd, if the story of the city before its destruction by the Gauls had been left almost exclusively to oral tradition, and if all the scanty records of an age little given to writing had then perished: in such a case we could only replace it, like that of the kings, by an illusion. Livy, however, did not assume this, but probably meant merely that the annals of the pontiffs began

from that event, in the same way as Claudius Quadrigarius, influenced perhaps by this very circumstance, commenced his history at the same point. Perhaps the disgust, which these authors felt at the mass of imposture, might induce them to overlook much collateral evidence as spurious, and therefore not to examine it in detail; yet had they attended to constitutional law, they must have perceived that its excellent historians had drawn from the books of the pontiffs information the authenticity of which was quite as indisputable as that of the XII. tables, concerning the compacts between the estates and other laws and treaties belonging to the same period. The authenticity of the return of the censuses is equally well established. Besides these rolls which were preserved in the censorian families, those families, who had the image of a consul amongst their ancestors kept consular fasti, so that a set of original annals arose independently of those of the pontiffs: as however these were drawn up by divers persons and not always contemporaneously, discrepancies may frequently be observed in them, particularly in regard to dates. It is impossible to say whether any contemporary annals were preserved or not, which began much before the insurrection of the commonalty: none however can have gone back so far as the origin of the consulate, as is evident from the confusion in the fasti during the first years of the free republic, and from all traces of genuine history at this period having vanished.

The funeral orations peculiar to Rome, the use of which was derived from time immemorial, although it would be in vain to look for an accurate representation of facts in them, cannot however have been beset with a want of truth from the first. Many stories in the history prior to the taking of Rome have flowed from this source, and several of them contain matter of undeniable authenticity. If Livy however referred to these vivid traditions, whereby the times of their an-

cestors had become the common property of the Romans, and which were preserved by those who escaped the sword of the Gauls, he was unquestionably right in saying that the record of events was trusted to memory. The whole body of these traditions was perhaps not originally circulated in song, and even some which began in verse, were turned into prose tales, when writing became more and more an employment. In this way in proportion as the old legends lost the freshness of their original colouring, a variety of books must have sprung up based upon chronicles in which popular traditions and funeral orations had been incorporated with the older annals in an attempt to render them less meagre. These however in aftertimes were neglected by literary history, chiefly because the authors of them were unknown.

Fabius wrote his history in Greek, in order that foreigners might think more worthily of Roman story. The Italians however were not satisfied with this, and in the seventh century of the city Roman authors commenced the history of their country in their mother tongue. The perpetual discrepancies in the historians of Rome show that there was a great variety of old chronicles, from which each incorporated fresh matter accordingly as he found any that had previously been neglected. In this class Valerius Antias ranks, who however obtained a scandalous notoriety by his falsehoods, and by fabricating circumstantial narratives and definite numbers. L. Piso, from the idea which he had formed of the ancient legends, that they were only history run wild however contradictory and incredible they might be, attempted the task of restoring them to their ancient form. His annals however produced no sort of effect on the minds of his countrymen, which had still so much of poetry in them. Even after the time of Piso the early history was the subject of fresh investigations, for men had learnt to make use of ancient documents. By their means Licinius Macer, a

contemporary of Cicero, with whom the list of the annalists properly so called closes, attempted the work of correcting the history of Rome. Dionysius and Livy most probably borrowed from him the materials of the speeches which they remoulded in their histories, in which are often found allusions to circumstances of which their narratives show no knowledge, but which cannot possibly have been brought in at random. We may believe too of him that he would trace the changes in the constitution with intelligence and interest. Cincius also wrote upon constitutional law, and copious remains of the invaluable work of Junius Gracchanus on constitutional history have come down to us in consequence of Gaius having prefixed a history of the Roman magistracies to his books on the XII. tables. Dionysius and Livy appear not to have made direct use of this admirable teacher of constitutional law, but to have drawn from Macer the solitary passages which must have come originally from Gracchanus. The only works used by the two ingenious authors who wrote their histories of Rome contemporaneously under Augustus were those of Fabius and the later annalists, the contents of which they moulded into an uniform body, without any regard to their origin. These annalists were so eclipsed by Livy's excellence that they were never brought forward again till after the time of Adrian, when the partisans of antiquity affected to be fond of them, but to no purpose. Thenceforward the history of Rome was received and related exclusively under the shape which those two writers had given to it, although Dion Cassius emancipated himself from this state of dependence, and returned to the most genuine form of the old tradition in Fabius; nor can he have neglected Gracchanus, who at that time was known to every jurist, for the history of the constitution was his main and constant object.

Such also is the aim of the present researches; and

surely our age can distinguish fable from reality more easily than theirs, nor is it an audacious undertaking to attempt to analyse the narratives of the historians, and to sift what is authentic from what is due to misunderstandings, prejudices, and arbitrary insertions. In some cases however the legend has so entirely occupied the place of the brief statement of the truth, that no trace of the latter remains, and no ingenuity can recall it to life. It is however in the history of the constitution that we can restore with the greatest confidence many of the steps that are wanting; those which precede and follow enable us to determine them, like the data of a problem. The erroneous representations of Dionysius, which pervert whatever they exhibit in his total want of the fundamental idea of the constitution, may sometimes cause a difficulty, but if we can discover the delusive medium by which objects have been distorted before the eyes of the acute historian, and can guess what the simple compiler must have heard of, these enigmas turn into valid evidence, and so form the ground for further results. Nor let those, who merely cast a casual glance upon the mists and darkness on which the gaze of an inquirer has been fixed with undeviating steadfastness for years, deny the correctness of his views, because they perceive nothing of the kind. Historical criticism by merely lopping off what is worthless, and replacing tradition on its proper footing secure from ridicule and censure, will render the story of Rome after the league with the Latins no less authentic and substantial than that of many much later periods where we are in like manner without contemporary records.

## CHAP. II.

## THE LATIN STATE.

In the same year in which the two orders adjusted their quarrel, the Romans ratified a perpetual league with the Latins. Peace had already been restored three years before, but this league, negotiated by Sp. Cassius, was an alliance, not, as before, on terms of qualified vassalage on the part of the Latins, but involving the recognition of their absolute equality and even cessions of lands and subjects. These sacrifices were made by the senate and the houses, as the price of succour so powerful that it induced the seceders to content themselves with very moderate terms. The Latin state, which now leagued itself as an equal with Rome, was but a small part of the Latium mentioned in the treaties with Carthage, yet we still find thirty cities enumerated as members of this league, although many which were reckoned amongst the primitive Latin cities had been detached by the conquests of the Roman kings. The influence of numerical forms in the states of antiquity solves the difficulty. The number thirty appears to have been an essential characteristic of the Latin people, as twelve was of the Ionians both in Peloponnesus and in Asia. In the latter case we find that when the old towns had gone to decay and were lost, their places were filled up so that the number might still be complete, and in the same manner Latium, as long as the old forms were deemed inviolable, continued to be divided into thirty townships, although the list underwent several changes. Thus we may observe three periods, in which three different Latin states existed. Of the first of these Laurentum was the capital. At this period the Latini, who are opposed to the Turini, were divided into thirty cities

prior to the founding of Alba by the Priscan conquerors. Ardea was the capital of the second state; its thirty cities consisted partly of some of the most ancient Roman colonies, partly of Alban colonies ceded to the Latins at a time when the Latins though independent were not yet on a footing of perfect equality with Alba, and the number was completed by the surviving townships of the original community: subsequently, after the destruction of Alba, the Latins framed a third republic again consisting of thirty cities, but with far different boundaries. Several which were previously included in the list had been separated from them either by conquest or by exchange of territory, and their inhabitants formed the original stock of the Roman commonalty in conjunction with part of the Alban commonalty in the reign of Ancus; and from the list of Dionysius we may observe that five or six places numbered at that time among the thirty Latin towns, could not have been annexed till after the fall of Alba, since they were demes in her territory as long as she was standing. This accordingly was a third change in the composition of the same number of towns; and thus on the revival of the alliance with Rome, towards the end of the fourth century, the Latin state was again enlarged and remodelled. The passage in which the list is given might easily lead us to suppose that the Latin cities did not form one really united state like the Achæans, but that their connection was in fact no more than a permanent offensive and defensive alliance. This subject is worthy of investigation, since from the uniformity in the main outlines of the constitutions of the Italian nations, we may assume that if we can ascertain that of the Latins, it will teach us those of the rest, which must else remain an inscrutable secret. The conclusions deducible from the blending of the Latin army into an uniform body with the Roman may not, it is true, be so generally applicable; but in the case of the Latins this circumstance is decisive evidence

of the real unity of the state. The scheme adopted by Tarquinius of uniting every century of each people with one of the other into a maniple under the command of a Roman centurion, implies that the Latins were divided into classes just like the Romans, that the same number of centuries went into the field from each class, and that in the one state a foot-soldier for every century was raised from each town, as in the other from each tribe. Such a constitution is inconceivable unless all the towns were united in the assembly of the classes. The form of the national council however may be supposed to have been common to the Latins with the other Italian nations. Dionysius seems to express himself on this head with designed ambiguity, when he calls the assembled counsellors *πρόβουλοι*, but the precision, which was probably wanting in his views no less than in his words, is supplied by Livy's account, that the Ten First of the Latins came with their prætor as envoys to Rome before the breaking out of the great war. So that the Latins had then a senate, of which the Ten First by virtue of their office were deputed on embassies, as the same body were by the Roman senate, and by those of the municipal towns and the colonies; and on the high authority of L. Cincius we are warranted in extending this notion to the earliest times. These Ten First, like those in the Roman senate, were clearly the first persons in the same number of decuries: each of which decuries represented a city in Latium, as it did a cury at Rome. The senates of the Latin cities consisted beyond a doubt each of a hundred men, as was the case in Rome originally, and in the colonies and municipal towns: how essential the division into ten decuries was, is clear from the very name *decurio*; it may be conjectured, from an expression of Dionysius, that the foreman of each of the ten decuries was deputed to the diet, whether ordinary or special; which would supply a further application of the principle of employing the Ten First

on missions. Accordingly the Latin senate, like that of Rome in its complete state, must have consisted of 300 members, the leading men of each of the little senates.

Without a general assembly however and its sanction the decrees of the congress would have had no more force than those of the Roman senate on the subject of laws, war, and peace. Such a popular assembly was held in the confederations as well as in the united states of the Greeks, and the general assemblies of the Italian commonwealths must have been constituted like those of the Greek. Every burgess might doubtlessly vote in them, but as in the towns the votes reckoned were not those of the individuals, but of the phyles, so in the national assembly the votes were counted by towns. Otherwise, the inhabitants of any of the great towns where the diet might chance to be held, would have carried every question against all who came from other quarters. It is clear that in the general assemblies of the Latins, the Volscians, and the Samnites, the votes must have been reckoned in this way. A popular meeting of this description is styled by Livy 'concilium,' in Polybius and Dionysius we find the word *ἀγορά*.

So long as the Latins were a free state, they held their general assembly at the spring and grove of Ferentina. Perhaps there was a temple here that served as a council chamber for the senate, as was the case at the Amphictyonic assemblies, though it is equally possible that business was transacted in the open air. There may have also been a market-town here when Latium was independent, owing its rise to the fairs which were connected with such assemblies, as they were with the resorts of pilgrims. According to the principles of the constitution the several cities were merely parts of the whole state, as the North American states are of the federal union, and it is highly probable that one common law prevailed through the

whole Latin nation, which could not be altered by local enactments at the pleasure of individual towns. The chief magistrate of the league was without doubt a dictator, but it is impossible to say whether this honour was bestowed by election or rotation; as analogy might lead us to infer that the dictator of one of the thirty cities became dictator of the commonwealth of Latium, just as one of the kings of the twelve Etruscan cities was acknowledged as head of the whole Etruscan nation. When the Latins restored their state after the Gallic invasion, they elected two prætors, having probably copied the example of the Romans, as the Italian states did in the Marsian confederacy.

So long as Latium had a dictator, none but he could offer sacrifice on the Alban Mount and preside at the Latin holidays, as the Alban dictator had done before. He sacrificed on behalf of the Romans likewise, as they did in the temple of Diana on the Aventine for themselves and the Latins. Of course Tarquinius assumed the presidency on the Alban Mount, as it was subsequently exercised by the chief magistrates of Rome after the dissolution of the Latin state; but the opinion that the last Tarquinius or his father instituted the festival is quite erroneous, as its antiquity is proved to have been far higher. It is true that Tarquinius converted it into a Roman festival, and probably too by throwing it open to a larger body transformed the national worship of the Latins into the means of hallowing and cementing the union between the states. The three allied republics had each its own place of meeting: at Rome, at the spring of Ferentina, and at Anagnina where the concilium of the Hernican tribes was held in the circus: that the sittings of the diets were connected with the Latin festival, seems to be evinced by the usage, that the consuls never took the field till after it was solemnised, and by its variableness, which implies that it was regulated by special proclamation. Like the Greek festivals it ensured a sacred truce. It

lasted six days, one for each decury of the Alban and Latin towns, since the inhabitants of the Alban townships, which were undoubtedly nothing but the tribes of the plebs of Alba, as the genuine Albans were the *populus*, participated in the sacrifice. In a similar manner the three Roman tribes kept three holidays at the great games, till a fourth was added for the plebs. Upon this same Alban Mount, to the temple of Jupiter Latiaris, which was for Alba what the Capitol was for Rome, the dictators of Alba and Latium undoubtedly led their victorious legions in triumph. It was but the renewal of an earlier usage, when the Roman generals solemnised their triumphs on the Alban Mount. The first who assumed this honour triumphed, not properly in his capacity of Roman consul, but as commander of the Latin cohorts: the honour was bestowed on him by the acclamation of the Latins, seconded by that of the Italian allies, and perhaps expressing itself by the otherwise inexplicable salutation of 'imperator' given to generals after a victory. In early times Latin generals may have triumphed here, by virtue of their equality in the league, even with Roman legions under their command.

### CHAP. III.

#### THE LEAGUE WITH THE LATINS.

The equality implied in this league explains why Sp. Cassius alone ratified it at Rome. His colleague was absent, because he was taking the same oath among the Latins, and his name would be recorded on the tablet which they set up. The preservation of the Roman document down to the age of Macer, who undoubtedly read it himself, perfectly authenticates the contents reported by Dionysius. The league was de-

fensive, the fruits of victory were to be shared equally, and the jurisdiction of either state to decide within ten days all private suits which originated in its territory was fully recognised. Two points however are omitted in the report, provision for which was almost indispensable; namely, in what manner public quarrels between the two republics, or complaints of individuals against either state were to be decided; and which party was to possess the chief command in joint expeditions, for it cannot be imagined that the Latins should have had an equal share in the spoils of war, and none in the command of the army. We have however direct testimony from L. Cincius, that the Latin towns sent deputies to observe the auspices on the Capitol, and that the Latin army which was waiting at the gate saluted the person elected with the name of prætor, as soon as it heard that the election was confirmed by the augury. We have also satisfactory proof that Rome had not always the supreme command of the combined forces; so that the Roman legions must at times have been under the orders of the Latin dictator as prætor of the confederacy: and the most probable conjecture is that the command alternated yearly. (Appendix T.) In joint expeditions the troops of the two states were not brigaded together, but kept apart. The fruits of victory to be shared between the allies consisted not only of money and moveables, but also of land, so that there must have been an *Ager Latinus*, a public domain to which every thing capable of being conveniently held in common was annexed. In all cases that permitted an actual partition the confederates would forthwith set out their respective shares. A similar distribution may have been adopted in the case of small towns. The tax levied on the inhabitants of the larger towns, who were allowed by their conquerors to remain in possession, would be placed to the common account and divided equally. When the object was to secure a fortified

place for the league, and when a colony was planted there for that purpose, the allied states took equal shares in it, and of this we have an example in the joint colony at Antium. By what name such colonies were designated we have no means of divining, but their character and constitution can be made out with precision and certainty.

## CHAP. IV.

### OF THE COLONIES.

The colonies with which the Romans strengthened their empire were not of a kind peculiar to them, but analogous to those of other Italian tribes; all these might be ranged, if our accounts were more copious, under the general head of Italian colonies; in the absence however of sufficient evidence, we shall here treat only of the Roman colonies and contrast them with the Greek.

The latter were in general newly built towns; or if the colonists settled in cities already founded, the old population was mostly exterminated: in the surrounding territory it survived, but in bondage, from which condition it generally rose in course of time to that of a commonalty. The colonists were in general emigrants or seceders from the parent state, not under the direction of the government at home, or, if they were sent forth under the sanction of the mother country, still the colony was from the beginning free and independent. A Roman colony on the other hand is described in a definition, as 'a company of persons led at the same time and in one body to a certain place already furnished with dwellings, in order to live there under certain legal conditions.' This definition excludes from the notion of a colony a settlement formed

by a secession or by a gradual conflux of emigrants, and indeed all who did not occupy a city already standing. This latter qualification however had ceased to be observed at the time of colonizing Cisalpine Gaul, and may have had one or two exceptions in Italy itself. A genuine Roman colony was nothing more than a garrison settled in a fortified town taken from the enemy, with land assigned to them instead of pay and provisions. The third of the territory of the town was usually confiscated and allotted to the colonists, and possibly a land-tax was levied upon the remaining two-thirds which were left to the old inhabitants. As might be expected, the old citizens often attempted to expell their new lords, and these insurrections, which occur frequently in early Roman history, are absurdly related as revolts of the colonies, instead of expulsions of the colonists, for to this body alone the name 'colonia' could be strictly applied. After the burgesses and commonalty at Rome had become blended into an united Roman populus, and the legal validity of the connubium and commercium between the two orders had been recognized, it is probable that in the colonies the ruling body of the colonists coalesced with the old inhabitants into one civic corporation, and the meaning of the term colonia became suitably modified. When Rome had attained domestic peace, the system of legislation in her colonies breathed a totally different spirit from the original one, and the old inhabitants and their descendants were no longer prohibited from recovering the civic franchise in the cities of their forefathers. Such were the Latin colonies, which reached such a brilliant eminence under the sovereignty of Rome, and to them rather than to the military colonies, though some of these have continued to flourish imperishably, the panegyric of Machiavelli is due, that 'by them the empire was consolidated, the decay of population checked, the unity of the nation and the language diffused.'

The colonies of Rome then, like sons in a Roman family, even after they had grown to maturity, continued unalterably subject, whereas those of Greece were abandoned to their fate, but at the same time to their freedom. The Roman colonies moreover in the earliest period were miniature likenesses of the Roman people; at Rome each cury had a separate tract, a century of 200 jugers: as it was assumed that each cury contained 100 householders, and that each of these received two jugers. In the colonies likewise each settler received an allotment of two jugers of arable land. The number of colonists were 300; thus the allotments of 100 of these also formed a distinct tract or century; which however answered to the third part of their body, whilst at Rome it answered to the thirtieth. The colonists were the *populus*, the old inhabitants the *commonalty*, and the former was represented by a senate, probably of thirty members. Just such a miniature of the ruling republic in a subject country was that of the Venetians in Candia, and of a similar kind were the settlements of the Franks in Asia during the crusades. Now as settlements from different cities subsisted within the walls of Acre, perfectly independent of each other, so it is possible that at Antium the three colonies of the allied states may not have coalesced like so many tribes. Rome and *Quirium* may thus have been similar colonies of the *Albans* and *Sabines*, allied on a footing of equality, the *Luceres* one of a people standing in a dependent alliance, or of a subjugated race. When it is said that the inhabitants of the early colonies obtained the Roman franchise, by this a certain stage of that franchise is meant, far below that enjoyed under the same name by the *Latins*, and which was not too high in honour and advantage to be granted to a subject *commonalty*.

## CHAP. V.

## ON THE RIGHTS OF ISOPOLITY AND MUNICIPIUM.

Dionysius has alone preserved to us the fact that the Latins by virtue of the league enjoyed the privilege of isopolity. The meaning of this term, as it was understood by that learned historian, may be collected from the treaties of alliance between certain Cretan towns, which have been preserved in inscriptions, as well as from the analogous franchise, which subsisted at the time when he wrote, at Athens, Rhodes, and other free cities. Isopolity then was a relation entered into by treaty between two perfectly equal and independent cities, mutually securing to their citizens all those privileges which a resident alien either could not exercise at all, or only through the mediation of a guardian. This participation however in all things divine and human did not extend to the assembly of the people, for had a vote been assigned to private citizens in that assembly it would inevitably have been abused. The cities therefore and their citizens remained essentially distinct, but in particular cases the mutual concessions may have been more or less restricted according to circumstances. The relation of *προξενία* conferred on individuals in unconnected states the same privileges that were enjoyed by the freemen of a city by virtue of its *ισοπολιτεία*. Such persons as well as the isopolites had an advantage over the metics, who only enjoyed isotely; these were merely released from the civil disabilities of other aliens, and could do valid acts in their own person. Finally the inhabitants of cantons connected by the bond of sympolity (*συμπολιτεία*) must have possessed similar franchises in the country which admitted them into its

body politic. A general name amongst the Greeks for these various classes of privileged aliens was most probably *ὁμότιμοι* or *ισοτίμοι*, although usage has attached this generality to the term *ισοτελεῖς*: occasionally however where there were few resident aliens, the name *περίοικοι* may have comprised all who were on relations of isopolity. At Athens the word *ισοτελής* gradually assumed a more extensive meaning, and comprised under it all who were liable to common burdens, whilst the corresponding word in Latin 'municeps,' which implied one who was bound to discharge the duties of a citizen whether by personal or pecuniary service, was narrowed in its signification and was confined to isopolites, sympolites, and *πρόξενοι*. The genuine *ισοτελεῖς* were comprehended along with the *ἄτιμοι* under the name of *ærarians*. This limited signification of the word *municeps* was after Cicero's younger days thrown into the shade by a new one, and when Dionysius wrote, the term was applied to all such as were neither settled in Rome nor in military colonies, as *municipium* was to their country towns. In the abridgement of the great work of Verrius Flaccus on the signification of rare words, we have a definition of this latter word illustrated with examples. *Municipium* about that time no longer signified the right, but the object or the class to which the right was attached. Three kinds of *municipia* are here distinguished. The first and most ancient of these comprised those persons, who if they came to Rome shared all the rights and burdens of Roman citizens without being actually such, but were excluded from the elective franchise and from honours. This relation corresponds to that of isopolity as exactly as the Roman tribes of houses to the Greek; nor was the relation of a 'proxenus' foreign to Roman usages, and as a person who contracted this relation with the republic enjoyed the same privilege as one who was *municeps* by virtue of a treaty with the state, isopolity is called by Livy a

hospitable relation entered into with a whole people. The second class of municipals is merely defined as persons whose whole state had been united with that of Rome, but from the instances given we may supply what is wanting to the explanation, that they were incapable of holding offices at Rome: the third class consisted of corporations of towns and colonies which on their adoption into the Roman state had become municipia, such as the Latin colonies or Italian towns which by the Julian law received the Roman franchise. The situation of the second class was that of a dependent sympolity, precluded from every independent relation to others, and unconditionally subject to the will of the ruling state, qualified however by the privileges of isotely in the capital; the colonies of the ancient sort were on the same footing with these communities. The last class answers to the equal sympolity of the Greeks; it embraced those towns and Latin colonies, the freemen of which were so united with the citizens of Rome as to enjoy the highest franchise, be admitted into Roman rustic tribes, have votes and be eligible to offices. After so complete an union the term *municipes* was ill-suited to them, it was however applied to them from analogy.

In ancient Greece the isopolites who settled in an allied city were not reckoned amongst its freemen, because they were not members of any of its tribes. In the Italian states, however, those who had the civic franchise and shared the common burdens, though they were not registered in any such division, appear to have been every where considered as citizens; at Rome under the name of *ærarrians*. The civic franchise was taken up by the mere will of the municipal and by the act of transferring his residence, without any need of an admission by the state to which he attached himself. This is the '*jus exulandi*;' for '*exilium*,' as Cicero rightly observes, was not banishment, which was utterly unknown to the Roman law: it was

nothing but the act by which a man renounced the freedom of his own city by taking up his municipal franchise. It was a particular application of the general principle when a person bound by sureties to stand his trial before the people was allowed to withdraw himself from the consequences of their verdict by exiling himself, as by availing himself of his municipal franchise in time, he had become a citizen of a foreign state and the sentence was null and void (Appendix U.) He was allowed however only to attach himself to a city which had a sworn treaty of isopolity with Rome, otherwise his 'exilium' required a decree of the people to render it legal. The right of becoming a Roman again belonged undeniably to an emigrant of this kind: perhaps he might recover his place in his tribe 'postliminio;' at all events he might be enrolled amongst the *ærarians*. The exercise of this privilege was limited by the interdict from fire and water; and when an exile was to be recalled, it was not his banishment which was remitted, but this interdict was taken off.

As 'exul' referred to the party's original country, so 'inquilinus' referred to the home he had chosen in a foreign state. The municipal who had made use of his right was styled 'inquilinus civis.'

When it is stated of an independent community, that its members had been made Roman citizens by a law, such a law only held good as far as the Romans were concerned; with regard to the community itself it was void unless they adopted it by enacting a corresponding law of their own. In the case however of conquered states they were fain to accept the franchise and subjection which the sovereign people assigned to them, a lot so unwelcome that the *Æquians* took up arms to avoid it. The register of the *Cærites* became a book of dishonour, because the names of degraded freemen were transferred to it. The equality between a degraded Roman and an 'inquilinus' was

even still more exact than at Athens, where a citizen, who incurred the highest degree of ἀτιμία, sank to a level with the ἰσοτελής. Of course the isopolites who made use of their franchise were enrolled like the sympolitites among the ærarians, but most assuredly the Cærite tables were only a part of the general register containing that class of citizens, and perhaps comprised the whole class of sympolititan subjects, if that class was revived in them after the old towns of the same order had long been admitted into the tribes. Lists however of all persons entitled to isopolitan privileges must have been kept as an indispensable precaution against the intrusion of strangers who had no such rights: and if such persons were, according to the looser mode of expression, considered as freemen of Rome, and enrolled in the list of Roman citizens, this might explain the seeming extravagance and the extraordinary variations in the numbers of the Roman citizens in the tables of the census, which, if they are referred to Romans in the strictest sense, are an inexplicable puzzle. These returns have been explained by others as well as by Pliny, as including the whole population, but the statements, to the contrary, of their comprising only the adult males are express, and the conjecture brought forward above is confirmed by a statement of the number of serviceable men during the Cisalpine war, in which the Romans are coupled with the Campanians, who were on a relation of isopolity with Rome. In later times, as the Latins and the Italian allies were subject to peculiar laws which distinguished them from each other and from the municipals of the old stamp, the title of municipia was withdrawn from them, and none but the isopolites strictly so called were coupled with the Roman citizens. It is probable that so long as the old constitution of the centuries lasted, the elective franchise was exercised at Rome by resident municipals, as it was by clients, who undoubtedly voted in the classes, whilst they too

were merely *æ*rarians. Both these practices were innovations upon the laws of Servius. After the tribes had become the basis of every franchise, the Latins alone enjoyed a kind of indemnification, if they came to Rome, for the loss of the franchise formerly held by all municipals, in the privilege of giving their votes in a tribe selected by lot.

The *sympolite* with his inferior franchise corresponded to the citizen of the *pale* in the German towns, but between a person of this class and an *outburgess* there was this distinction, that the latter could only be called by the former name when he removed into the city. The *outburgess* resembled the *πρόξενος* of antiquity; the privilege however was not conferred only on individuals but on whole towns and districts; and this relation, particularly as we see it in Switzerland, was identical with that of the ancient *isopolity*. In the same sense as the *Campanians* became freemen of Rome, all the citizens of the privileged community would become *outburgesses*, as of Zurich for example. The individuals who made use of this franchise became citizens of the *pale*.

## CHAP. VI.

### ON THE FRANCHISE OF THE LATINS.

Although an outlying freeman might exercise certain privileges without changing his relation to his native country, there were still some of which he could not avail himself without becoming a citizen of the *pale*, and these were determined not by the higher dignity of the privilege, but by the nature of the case. Thus the higher right, the *connubium*, was open to every *isopolite*; the *commercium* was reserved for those who settled in their adopted country. This right of intermarriage existed between Rome and Alba, and is

typified in the legend of the Horatii and Curiatii; it existed between the Romans and the 'Prisci Latini,' and is expressed in the story of the matrons who before the battle of Regillus were allowed to part from their husbands; and it is now certain from evidence, which we have in Diodorus, that the genuine Latins had the right of intermarriage with the Romans. There were however certain Latin colonies which furnished the model according to which the Junian Latins were excluded from intermarriage; these colonies however were of later origin. The old Latin towns that retained their ancient rights, and the colonies that together with them formed the Latin nation, had all received the full freedom of Rome and had become municipia a full century before the consul Junius Norbanus introduced the franchise of the Latin freedmen. After the Julian law there were no Latin colonies, till a new Latium was introduced in the subsequent year. The towns on the north of the Po, inhabited by a mixed population of Italians and Celts, speaking Latin, were bringing forward pretensions, when by a law of the consul Cn. Pompeius Strabo they were declared Latin colonies, and had a peculiar franchise assigned to them, by which persons who filled magistracies and offices of honour in such towns thereby acquired the Roman franchise, and they alone. This when compared with the old Latin franchise was termed 'the lesser Latium.' These Latins, a mongrel Italianized race, had no right of intermarriage with Roman citizens, and they furnished the precedent after which the same right was withheld from the freedmen. On the other hand an enlargement of the commercium was welcome, and in the spirit of various regulations which were calculated to raise the price of land in Italy. A law which regarded Latin citizens as foreigners, and applied to them the principle that the child follows the condition of the baser parent, can only have related to this inferior Latium, and if the Lex Mensia

contained such a provision, one limit for its date is determined.

## CHAP. VII.

### THE LEAGUE WITH THE HERNICANS.

The league with the Hernicans is separated from that with the Latins by an interval of seven years. Both the treaties were concluded by the same Sp. Cassius as consul: and the three states were placed by them on an equality in a common alliance. This equality implies that there was no marked disproportion between the allies in power even if they were not exactly balanced, and the Hernicans must have occupied a district far wider than their later history assigns to them. They, like the Latins, were overpowered by the Volscians and Æquians, having originally bordered on the Marsians, from whom, as the nearest Sabellian people, they are said to have derived their origin. To assist us in conjecturing what the number of the Hernican towns was when complete, we find a clew in the discovery of that which determined the internal division of all the Sabellian states. The fundamental number, by which without doubt this division was regulated, was amongst all the Sabellians four, as three was amongst the Romans. Of this we have numerous instances in the military system of the Hernicans and the Samnites, and in the constituent members of the Marsian confederacy. From this it may safely be inferred that every independent Sabellian people, and consequently the Hernicans were divided into four tribes. It may fairly be questioned whether the Hernicans had forty towns or sixteen, but the number must have been one of these two, and the statement that forty-seven towns took part in the

Latin holidays is decisive in favour of the latter. It is impossible to guess whether the author, whom Dionysius followed in recording the number forty-seven, combined Rome, the thirty Latin, and the sixteen Hernican towns in one sum, or meant to state how many beside Rome had appeared on the Alban Mount. On the latter supposition Anagnia must be considered as the capital of the Hernican states, and not included in the sixteen, in the same manner as Alba had stood distinct from the thirty subordinate Latin towns. The alliance of the Romans with the Hernicans was conceived to be of so ancient a date, that the Tities recognised their countrymen in them, as the Ramnes did theirs in the Latins. The league of Cassius was in fact only a renewal of an ancient franchise, which the Romans willingly conceded from fear of the danger with which they were menaced by the Volscians and Æquians. That franchise had ceased when the Hernicans, like the Latins, shook off the yoke of Rome, and by their separation at the same time with the Sabines reduced the numbers in the census of 261 to 110,000, which had amounted in 256 to 150,700. On the other hand as they were acknowledged in this later league to be independent confederates, and could depend on the succour of Rome, they as well as the Latins behaved as staunch friends of Rome, even in remote wars with which they were not concerned.

## CHAP. VIII.

### THE WARS WITH THE VOLSCIANS AND ÆQUIANS, DOWN TO THE END OF THE VEIENTINE WAR.

The incessant wars with these Ausonian nations present an endless uniformity of occurrences, uninteresting as well as tedious; but this appearance of intrinsic

insignificance has only been occasioned by the dishonesty of the Roman annalists, which has studiously thrown the conquests of these nations into oblivion, as their narrowness of mind has kept back the wholesome and politic treaties with them, at which the vanity of the later Romans took offence. Had their own chronicles been preserved amongst these nations, the names of many great men would not have been erased, nor their victories expunged from history. Though in the absence of these we cannot restore to the chiefs the honours of which they have been robbed, we may however still acquire a general notion of what is due to the people.

The Volscian wars are the more important, since by them the power of the Latins was destroyed, and the remnant of that nation compelled to seek safety in a state of dependence on Rome. It is useless to refer to the statements in the annals, full as they are of misrepresentation and falsehood; we must view these wars in masses, as they combine in the distance, and we may then divide them into four periods. The first goes down to the peace with the Volscians in 261, and during this the power of the two Ausonian nations reached its highest point. The second extends to the victory of the dictator, A. Postumius Tubertus, and in this their strength was much weakened by the dissolution of the league. The third period ends with the burning of Rome by the Gauls; when the Romans were now gradually gaining ground on the western Volscians and the Æquians. In the fourth which embraced a period of thirty years, the remnant of the Volscian towns joined the Latins, and were ultimately incorporated partly with the Latin state, partly with the Roman.

The second Tarquinius probably waged war successfully against the Volscians, and may have founded Signia, and colonized Circeii, as outposts on the enemy's frontier. Terracina may have submitted to a state of dependence under Rome with a view to obtain

protection. On the downfall however of the Roman power immediately afterwards, it fell before the victorious Auruncians, to whom Cora and Pometia had surrendered. These two places were reconquered in the subsequent campaign, which is recounted twice over by Livy, and Pometia was destroyed. During the Latin wars the Volscian conquests gained ground; the alliance which the Volscians proffered to the Latins was rejected by them, and a peace with Rome preferred. The confederates did not neglect to fortify their frontiers, and a new colony was sent to Signia, and occupied part of the territory of Ecetræ, where the Volscian congress had been established. In the war which ensued, the Romans were victorious near Aricia, and in the next year Velitræ was retaken by them. Here and at Norba new colonies were settled in the year 262. None of these fortresses appear in the list of the places which Coriolanus and the Volscians are said to have taken in their victorious campaign against Rome. The contradictions in the accounts of the two historians with regard to the towns taken are most startling. The extraordinary rapidity with which town yielded after town to the Volscians, without any attempt of the Romans to defend them, might without much difficulty draw even those who put implicit faith in the common history, to confess that the conquests of several years must have been crowded into one, and the defeats sustained by the Romans suppressed. But there are other absurdities, even on this supposition, still existing in full force; such as the inconceivable fact of the entire evacuation of the conquered towns by the Volscians; the improbability of dissensions arising at Rome about an agrarian law, if in the third consulship of Sp. Cassius so large a portion of the public domain as that from Circeii to Bovillæ and Lavinium had been in the hands of the Volscians; the impossibility of the Latins and Hernicans sending succours in the Veientine war, if

surrounded by such victorious neighbours; and the extraordinary capture of Antium by the Romans twenty years afterwards without our finding a single trace of their having previously reconquered the places in front of it. The inconceivable story that the Romans waged war against the Hernicans in the next year after such an humiliation, as well as the statement that the corn, which Coriolanus proposed should not be distributed to the commonalty except as the price for the sacrifice of their liberties, was a present from a Sicilian prince, was probably not part of the original tradition: if however this latter circumstance was so, we must take into account that Gelo was not yet ruler of Syracuse. Other chronological difficulties arise with reference to the ordinance of the plebs empowering the tribunes to fine any person who should disturb them when transacting business with the commonalty. If however the transaction which brought on the ruin of Coriolanus be placed twenty years later than when we meet with it in our histories, these difficulties will not stand in our way. At that time we find a famine in Rome, and a Greek king in Sicily likely to assist the Romans, as having common enemies with them. Domestic dissensions occurred soon after between the orders at Rome, and the strength of the plebs was increased sufficiently to punish any one who attempted to infringe the fundamental laws of the state. The same date tallies with other particulars in the story, although the rapid succession of events must be considered a perfectly arbitrary assumption. Moreover when we find that the Volscians obtained the isopolitan franchise and the restoration of a district that had been taken from them by the Romans, it cannot be doubted that these were the terms of the peace which Coriolanus is feigned to have imposed, terms extremely well suited to the year 295, but quite preposterous thirty years earlier. The list of his conquests was in fact nothing but a portion of those made by the Volscians, transferred to a Roman,

whose glory was even under such circumstances flattering to national vanity. How he came to war against Rome will be explained in its proper place, where it will be shown to be not merely a genuine tradition from very ancient times, but a substantially faithful remembrance of a great man and great events, the credibility of which does not rest on the particular epoch to which traditional history has assigned it.

An oral tradition gained a fixed place in the annals when the name of its hero occurred in the *Fasti*. This was not the case with that of Coriolanus, and erroneous combinations and inferences led to its insertion in the wrong place. The source of this error may be satisfactorily discovered. Tradition connected a temple of *Fortuna Muliebris*, which was four miles distant from the city on the Latin road, with the intercession of the Roman matrons, which that goddess had blessed. It was overlooked that this temple did not stand on the spot where Coriolanus must have received the mission, for his camp was pitched five miles from Rome on the *Cluilian* dyke. It is not only probable that this temple, like that of *Fortuna Virilis* without the city, was of much more ancient date, and perhaps merely served as a place for returning thanks after the success of the Roman women, but the nature of the worship there proves that it was in no way connected with the embassy of the matrons. Widows would never have been excluded along with such as married a second husband, as it was the aged mother *Veturia*, who is evidently regarded as a widow, who softened the heart of Coriolanus; and either she or *Volumnia* would have been most probably the first priestess, and not *Valeria*. In the books of the pontiffs however, *Valeria* was stated to have offered the first sacrifice in this temple in the year 267: this then afforded a date to the historians, who immediately distributed the events of the story of Coriolanus over the three years immediately preceding that in which he appeared before Rome,

for Livy omits the years 264 and 265, as they were probably not in the *Fasti* which he followed. Corioli was at peace with Rome in the year 261, but as the condemnation of Marcius was placed in 262, and his surname was supposed to have been earned in the enterprise against that town, it was necessary to place the war against it in that year, although the old annals made no mention of any war in that year, as Livy himself confesses. The true history of the year 266 has been preserved in the brief statement of Livy, that when Coriolanus had led back his army, the Æquians and Volscians turned their arms against each other, whilst the Romans looked on with joy. It is a grievous wrong to Attius Tullius, that in addition to the loss of those laurels of which the Romans have defrauded him, he should be charged with the death of Coriolanus as well as with the onus of the artifice by which his people were excited to take up arms afresh against Rome, in consequence of their expulsion from that city at the great games, by his treacherous suggestion. It were idle to go over the successive campaigns which are said to have ensued; it is clear however that the enemies of Rome progressively gained ground. The internal discord of the Romans, and the Veientine war, were fearfully in favour of the Volscian aggressions. Partial truces enabled the confederate Latins and Hernicans to assist the Romans against the Veientes, and they in turn received aid from the Romans. These continued wars rendered necessary at Rome a deputy to supply the places of the consuls, in the absence of both in the field, as there had been formerly one to supply that of the kings. The examination of this step in the development of the constitution will add materially to the completeness and clearness of our history.

## CHAP. IX.

## THE OFFICE OF WARDEN OF THE CITY.

Whenever the kings were in the field, their place at Rome was filled by the first senator, who was entrusted with the wardenship of the city and provided against all sudden emergencies. This 'custos urbis,' as the deputy was called, was the chief in the decury of the interrexes, and in the earliest period of the republic was necessarily one of the Ramnes. The wardenship was thrown open to the Tities in the reign of Tullus Hostilius, but we have no instance of a member of the Luceres filling the office under the kings. The inferiority of the lesser houses is confirmed by the fact that their votes were taken after the greater houses: this has been placed in its true light by the fragments of Cicero's treatise *de Republica*, from which it is evident that the words 'maiores' and 'minores' must not be interpreted as having reference to priority of age, but of rank. Another distinction of more importance was, that the senators of the lesser houses had only the right of going over to the consul's proposition, or rejecting it in silence, for without doubt they were the 'senatores pedarii,' a name afterwards confined to those senators who had not yet held a curule office. A member however of a minor house had the right of delivering his opinion, if he was a consular; still he was not called upon for it, till the consulars of the major houses had declared theirs.

The Ten First, out of whom the 'princeps senatus' was chosen, must have been, at the time of which we are treating, ten consulars of the greater houses, if there were such; but in the year 253 the Luceres appear to have regained possession of the inferior place in the consulship, and this will account for the fact that

in the list of the Ten First who concluded the treaty with the commonalty on the Sacred Mount, and who were all consulars, we find several members of the lesser houses. It was in the year after the first consulship of Sp. Cassius that we find the Luceres again in possession of their right; the change must have been due to the enlarged views of that great man, who soared far above the envious prejudices of his own class, and deemed it nobler to have a fair and undisputed share in a large inheritance partaken by many, than to usurp an unjust portion of a pitiful one, along with but a few partners. The kings whose authority lasted for life may probably have bestowed the lieutenantship for the same term; under an annual magistracy however it was probably limited correspondingly in duration. In the year 267 this office was elevated into a magistracy and bestowed by an election, which was reserved to the curies, like that of the dictator. The eligibility was still confined to consulars, but it was now extended so as to embrace the lesser houses, out of which the first elective warden came. After this office became a magistracy bestowed by the burghers, it may soon have become the practice for the warden to hold a permanent tribunal, from which however there lay an appeal to the higher tribunal of the consuls. It was by no means the idle guess of an ignorant foreigner, that the office of 'prætor urbanus' sprang from that of the ancient 'custos urbis,' which had been merged in the decemvirate and which appeared but at intervals alongside of the military tribunate, until it acquired a permanent character and a higher dignity as the prætorship of the city.

In time of war the warden's province, besides the care of the city, was to levy and command the civic legions. These were a distinct body from the reserve, which was raised from the seniors between the forty-fifth and sixtieth year, and from such as being liable to service were excused from it. These seniors, like

those of the Spartans, were liable to service in the field, under a commander appointed for the purpose: not so however the civic legions; in which the proletarians and ærarians, the former belonging to plebeian tribes but excluded from the classes, the latter having mostly places in the classes but none in the tribes, were combined with such plebeian locupletes as were not required to discharge any duty without the walls.

Livy, in calling the commander of the reserve a proconsul, adopted the phraseology of a much later time; this officer however was probably appointed by the consuls. In the year in which the wardenship became an elective office, A. Atratinus, a member of the minor houses was invested with that dignity by the curies, an honour due not less to his individual merit as a citizen, than to the progressive increase of the influence of the lesser houses.

## CHAP. X.

### THE INTERNAL FEUDS OF THE PATRICIANS.

The existence of a formidable rustic or civic commonalty is necessary in a state to prevent an aristocracy from splitting into hostile parties, pursuing each other with the bitterest animosity. Numerous examples of this latter state of things occur in ancient as well as in modern history; and thus we find the major houses at Rome endeavouring to exclude the minor from all posts of honour and authority. The latter however found support from individuals of the privileged class, and from the commonalty; whose liberties flourished and gained ground amidst the contests of the houses. All mention indeed of the quarrels among the patricians has been erased from history, but a

curious piece of information has been preserved to us, in which the savage fury, with which these contests were carried on, is depicted in the strongest colours. The chronicles had drawn a veil over an event, which the ritual books could not pass over in silence. In order that a spot marked out in the neighbourhood of the circus should not be profaned through ignorance, they recorded that it had been abandoned to the Manes, as being the place where nine illustrious men, who had conspired against the consul T. Sicinius and had been burnt alive in the circus for high-treason, had been buried. Their names were preserved, but in the manuscript of Festus in which they occur, a part of the page has been burnt away, so that we are obliged to restore it from a conjecture, the certainty of which results from its completeness. The event may have been connected with the change in the wardenship, which had been extorted from the major houses. (Appendix V.)

The name of Mucius which occurs in the inscription reminds us of another story, that nine tribunes had been executed in the same way by a Mucius; as the statement in that story that the persons condemned had been deluded by Sp. Cassius into hindering the elections, calls to our recollection that great Cassius who was consul in the year after T. Sicinius. This story of the tribunes is perhaps an instance of one of those inversions so common in tradition, whereby Mucius instead of suffering death is converted into the person who causes the sentence to be executed. In this case we must suppose that Sicinius had attempted in an illegal manner to prevent the election of Cassius, and that the nine men mentioned, belonging or attached to the lesser houses, withstood him, and when Cassius had fallen, were executed as his adherents. That the lesser houses sided with Cassius is manifest, since their rights as well as those of the commonalty were trenchd upon by the innovation. The latter

fact has been recorded in history, in connection with the agrarian law, the former has been forgotten.

## CHAP. XI.

### ON THE PUBLIC LAND AND ITS OCCUPATION.

The agrarian law of Cassius was not the earliest that was so called: in its more extensive acceptation that name attached to all laws by which the public land of the commonwealth was disposed of; but even in the narrower sense of a law, whereby the state exercised its right of ownership in removing the old possessors from a part of its domain, and making over its right of property therein to others, such a law existed amongst those of Servius Tullius. The misconception of the meaning of this term is as old as the revival of philology, and very general currency has been given to the term 'agrarian law' in the sense of an enactment relating to the landed property of all the citizens, setting a limit to it, and assigning all beyond that limit to the destitute. Machiavelli and Montesquieu, who both participate in this mistake, are far from condemning the agrarian laws, even when taken in the common interpretation. The former conceives that the interest of every republic requires that the state should be rich and the citizens poor; and that though the agrarian laws led to the ruin of the republic, the contest about them was the main cause of its having lasted so long. Montesquieu assumes it as a historical fact that Romulus adopted the principle of equality in his original distribution of the territory of Rome, as the future ground of her strength, and that the tribunician contests were but attempts to bring the constitution back to its original principles. The

boldness of both these great men is excusable from the circumstances in which they each were placed. Heyne was the first to point out that the laws of the tribunes related simply and solely to the public domain, and subsequently both by Heeren and Hegewisch the Gracchi have been acquitted of the charge of having shaken property.

'Possession' and 'possessors' are the terms always employed when the use of the public lands is spoken of, for which use, according to Appian, a fixed portion of the produce was paid to the state. These possessions were transmissible by inheritance or purchase, and in this point stand contrasted with ordinary rented lands, the leases of which were made for a lustre. An image of the Roman possession, the Roman vectigal, and the mode of leasing it, might be recognised in the form in which the possession of land and the land-tax stood in India, till modified by the government of Lord Cornwallis. The sovereign was the sole proprietor of the soil, the Ryot cultivated it on a precarious tenure and rendered a definite portion of the produce in kind: this the state leased or sold to the Zemindars. This parallel has now ceased since the Zemindars have been recognised as the absolute proprietors of the soil.

In investigating the nature of the public domain at Rome, we must consider it not only in its narrow limits in the days of Sp. Cassius or of Licinius Stolo, but in its more enlarged form in the later periods of the republic when many of its essential peculiarities were changed. The 'ager publicus' was only a part of the 'publicum,' or the estate of the populus. This consisted of divers objects both productive and unproductive, and of revenues accruing from rights. The unproductive property comprehended public buildings and places of various kinds: the productive objects may be divided into two classes, one, where the sovereign retained the greater share of the pro-

duce for the public, such as mines, saltworks, etc.; the other, where the state reserved only a small part of the produce, and gave up the larger to its citizens for the benefit of individuals, such as lands, fisheries, etc. Of the former class a very small number only could have the enjoyment, and the profits were large; in the latter thousands might immediately participate, and therefore it would be unfair to farm them to a company. The Roman state seems in general to have contented itself with a tithe on corn, and with two-tenths on plantations and vineyards where less labour was required, and with the same most probably on the produce of cattle kept on the common pastures, before an agistment was introduced. If the persons who occupied the public domain had the supreme power in their hands they could free themselves from this charge, and thus the ownership might become to the state a bare unproductive right. Properly the notion of the 'ager' implied that the state itself reaped a profit from it. This profit was termed 'fructus,' and the occupation for which an individual rendered this stated due, 'usus.' In private property the one might merge in the other, and in this case the proprietor enjoyed the 'usus fructus,' as in the old style the words were combined without any connecting particle.

The state seems never to have collected its tenths by its own officers, but to have farmed them out, like all other branches of the revenue. This right of levying a tax from the produce, the 'jus vectigalis,' was conveyed in the strictest legal form by the process of mancipation, but for how long a period the contract was made is uncertain. The statement that contracts of this kind were concluded for a lustre has probably reference to estates let by the vestals, the augurs, and other religious corporations, to which the state had granted the right to the 'vectigal' on certain lands. This contract was properly the sale of the 'fructus.'

In time the word *locatio* was commonly applied to these censorian contracts, and the letting of a tax was called '*locatio fructus agri*.' A single step farther led to the speaking of letting the land itself; we know however that in these cases it was only the '*vectigal*' that was leased. Nevertheless this phrase misled Greek authors into the erroneous notion that the republic actually farmed its landed property. Even Dionysius has been led to suppose that at the time of the agrarian law of Cassius, it was resolved to farm out on leases for five years the unassigned portions of the public domain, instead of the *vectigal* arising from them, a charge which it was the endeavour of the tribunes to revive on the possessors of the '*ager publicus*' for the payment of the troops.

The technical term for those estates which were the objects of the agrarian law was '*possessions*;' and those who held a portion of the domain which they might transfer and alienate, though the property in it belonged to the state, were said to '*possess*' it. They had only the '*usus*,' the republic the '*fructus*' and the property. The origin of these possessions was the occupying or entering upon territory laid waste in war, as that of property was a distinct assignment and transfer on the part of the state. This occupying was not left to the uncontrolled choice of individuals, but was regulated by an edict of the magistrate. When once occupied, they might be transferred like property to an heir or a purchaser, but property could never arise in them by *usucapio*. Without this security the republic would have been exposed to endless loss through the negligence of her officers, and would have been obliged to abstain altogether from granting the use of the domain. She retained the property, until it was transferred by a formal act; and she had an unlimited power of terminating the possession, which was always precarious, and of selling or assigning the vacated land. In this case even

when it had been purchased, or taken in exchange for a valuable consideration, the possessor still lost it, just as much as if it had been destroyed by some disaster; nay, the ejected possessor was bound to pay the remaining instalment of the purchase money, should there be any unpaid at the time of his eviction. As long as the republic by frequently enforcing her right, directed every one's attention to the uncertainty of all possessions, and hence kept their market-price low, the loss of them was bearable; in some cases the possessors might be glad to acquire the full property in the lands they occupied, if the censors allowed them to go cheap; but after an undisturbed possession of many years, their loss would be as severely felt as that of bona fide property. No less precarious than this tenure under the state was the tenure of the clients under their patrons, who granted them small plots of land out of their portion of the domain, as the price of their dependence. When the power of the patricians rested on the number of their clients, the law was not needed which in aftertimes enjoined the settling of free husbandmen in proportion to the extent of every estate in the public lands: the possessor however was still allowed the power of dismissing an useless and faithless retainer.

The transfer of possessions in the public lands was divested of all the solemnities contrived to secure property, but it was secured by the possessory interdicts. The prætor guaranteed the independent petty occupiers, by declaring a forcible possession void, although he did not permit tenants at will to claim land as a permanent possession against the donor, but only took it under his protection as it subsisted. In the public lands, which were remote from the seat of justice, an absent possessor might without his knowledge be ousted by his neighbours from his land, which was not protected by limitation; here likewise the prætor granted relief, and in no case could the

possession thus surreptitiously obtained be lost by prescription, which affected property only.

The vast extent of the public domain had been exceedingly reduced by the agrarian laws of Tiberius Gracchus before the Marsic war, and during that war by sale. The large districts, annexed to it by conquests made in this war and by confiscations in the civil wars were forthwith given away to military colonies. Vespasian effected the last great changes of this kind, when he made considerable assignments of land in Samnium to his veterans; his parsimony led him to resume all remnants of the distributed territory that had not been expressly granted away by the state, but were enjoyed by the colonies and municipal towns as corporation lands: these were the 'subseciva.' This measure shook the fortunes of almost all the provincial towns, so that Domitian became the benefactor of Italy by an edict granting all this land to the communities which had previously enjoyed the use of it, but at the same time the landed property of the state disappeared almost entirely.

Possessions were not transferred in the same way as property by a testament executed by mancipation, but by the edict of the prætor confirming the possession, as if it had been property, to the heir. Still as the state might deal as it thought fit with its own property, testamentary dispositions on this point might be modified by the prætor for the time being accordingly as equity or common sense might suggest, and one prætor might lay down different ordinances on this head from his predecessor; but it is monstrous to suppose with Heinecius that any magistrate should have been entitled to introduce rules of succession tending to undermine those which were established by law. When the possession of the property of the state grew to form so large a part of all private fortunes, probably very few cases occurred of estates above indigence, where the common law suf-

ficed to regulate the succession, and where the intervention of the prætor was not called for. The Roman civil law was affected by the gradual change of society, and was exposed to the influence of misconceptions which promoted gross injustice. Thus as early as the age of the Antonines, Roman jurisprudence unquestionably ascribed the property of the soil in the provinces either to the Roman people or to the emperor, as the former or latter was regarded as the sovereign, although that soil was in many cases private property. This error perhaps originated in the condition of land in the conquered countries of the east, where the soil had always been the property of the government: yet sixty years before, Frontinus had distinguished the 'arva publica' in the provinces from the 'agri privati;' the only difference between these and landed property according to Italian law was that they paid a vectigal from which the latter was exempt.

## CHAP. XII.

### THE ASSIGNMENTS OF LAND BEFORE THE TIME OF SP. CASSIUS.

Whether Rome was considered as a colony from Alba, or as planted by the son of Mars, its foundation was supposed to have been attended with all the solemnities usual in new colonies. To Romulus therefore was ascribed the assignment of two jugers a-piece to each of the citizens as inheritable property. A hundred such allotments formed an ancient century, the district of a cury, which is shown to have contained a hundred citizens by the ten decuries it consisted of. Each century of arable land was regarded as one mass, which was pledged to those who shared it, and the estate of the last member of an extinct house

vested in his cury. The whole district however was not assigned by Romulus to his ten curies, but a portion was set apart for the service of the gods and for the royal demesnes, and another as common land for pasture. The stock kept on the common land served to eke out a maintenance which two jugers otherwise could never have furnished to a family. An agistment was paid to the commonwealth for the pasturage. This was perhaps considered to be the only land-tax of the earliest times, and to this we must refer for the reason why ultimately in the censorian registers all public lands subject to land-tax were called 'pascua.'

In the earliest state of things we find but 1000 householders in Rome, who were unquestionably the Ramnes, and to them the assignments of land by Romulus was limited. As however the other two tribes make their appearance, we find similar assignments of landed property ascribed to the kings who brought them forward, and the whole of these allotments completed the genuine 'Ager Romanus.' This consisted of three regions named after the three old tribes, or in other words, of thirty centuries of arable land, marked out by limits, which was private property; but besides this, each of the three towns had its royal domain, its temple land, and its common, and only in the course of time can all these portions have been united. Livy is without doubt in error in supposing that the houses anciently had no landed property, since not only was the arable land in the old 'Ager Romanus' secured, like all property, against every agrarian law, but likewise the ancient common land, and all the additions made to it before the existence of the plebs. When king Ancus is said to have made the fourth assignment of land, all that is meant is, that the Latin communities, out of which the new order of the plebs was formed, surrendered their lands to the Roman state, and received them back according to the laws of the formal limitation.

The public lands of the Roman state must have attained a very great extent even before the reign of Servius. When a town was taken by storm, or surrendered at discretion, its whole territory became the property of the conqueror: a portion however of its district or of its public lands was often ceded by a town as the price of peace, and this was generally a third. The course pursued as to the distribution of these lands was probably this. All lands in cultivation, such as olive grounds and vineyards, the possession of which would have been coveted by all, were sold. The waste land ought to have been assigned to the citizens as their property, but it is possible that the numbers in the curies having become unequal in the course of some generations would have rendered a distribution, which would have had reference to the curies as the units, excessively unfair. On this principle we may account for the practice of enjoying the public lands by possession, which doubtless were always charged with the payment of a tithe. Whilst this arrangement suited the powerful citizens who had many retainers to settle, the more humble were satisfied with a largess from the produce of the tithe out of the public coffer of the cury. When the plebs had been formed and served in the army of the republic, it was entitled to a fair portion of the land won by arms, though the name of 'ager publicus' was still retained from the time when the populus was the whole of the state; but when by the Servian legislation the infantry was to be drawn exclusively from the plebeians, it was an intolerable wrong to give them no share in the land which they had conquered with their blood. Hence Servius is represented to have made a general assignment of land to the members of the commonalty, and to his beneficent laws, which provided a just and fair distribution for the future, we must refer the origin of the plebeian hides of seven jugers. These allotments to the plebeians were defi-

nite, and in perpetual ownership inheritable and alienable according to the rigid rules of law; and the assignment of them was made to individuals immediately without the intervention of any body subordinate to the tribes. They were exempt from all tax on the produce, but were entered in the censor's books, and thereby subject to all assessments, which never affected 'possessions.' The patricians and ærarians alone enjoyed the public land, the former by immediate possession, the latter by grants received in the capacity of clients. As the ærarians did not serve in the field, they had no claim to allotments in the conquered lands. The plebeians however were as much disqualified from sharing by occupation the use of that portion of these which was to remain public property, as the patricians were from receiving assignments in them; but the enjoyment of the common pastures was indispensable to both.

The sacrifice of a law like this was easily conceded by Tarquinius to the faction which supported him; in a similar manner, on his expulsion, the patricians assigned the royal domains in lots of seven jugers to the commonalty, to render the breach with that prince incurable. But soon afterwards the plebeians were turned out of the public lands, not that they could have become occupants there; but the want of the commercium did not prevent their buying pieces of land, in which the sale did not confer the absolute ownership. It was not only tyrannical thus to expel fair purchasers, but it was unjust for the patricians to claim exclusive occupation, without restoring the laws of Servius. A new usurpation still more oppressive to the plebeians, inasmuch as it dried up the sources of the military pay, was that the patricians gave over paying the tithe. The exemption thus usurped still existed in the year 331, when the tribunes insisted on the public lands being charged for the pay of the troops.

## CHAP. XIII.

THE AGRARIAN LAW OF SP. CASSIUS AND  
HIS DEATH.

The agrarian law of Cassius was probably nothing but the revival of the law of Servius, if one may venture to form a conjecture in the absence of any definite information. It must have been directed that the portion to which the *populus* was entitled in the public lands should be set apart, that the rest should be divided among the plebeians, and that the tithe should again be levied, and applied to paying the army. The lands however which were to be divided between the orders, were solely those which the state had acquired since the general assignment by king Servius, and which it still retained. The most perplexing riddle is that the plebs should have condemned its benefactor to death, for no one ever doubted that the assembly of the people which tried him was the plebeian one of the tribes. To account for this various stories were invented, the most reasonable amongst which was that by partiality to the two foreign states in alliance with Rome he had estranged the affections of the commonalty from him. Many features of this story were borrowed from the later agrarian disturbances. The people however before whom Sp. Cassius was impeached by the *quæstors*, was the *populus*. No patrician could have been brought before the tribes of the commonalty, except by plebeian accusers for an offence against that order, nor is there the slightest vestige of the centuries having ever acted as a court of justice before the enactment of the XII. tables. The houses were the natural judges of their peer, and were as ready to condemn him as his accusers could desire.

The general belief was that he had really aspired to

royal power, although Dion asserts that he was clearly innocent, and was put to death out of malice. The patricians were without doubt the gainers by the death of Cassius, and the assassination of Genucius is a presumption that they would not hesitate to murder Cassius under the forms of law, if it served their ends. This however is no proof that he was innocent. Cassius may have aspired to the kingly power from pure motives, in order to restore the Servian laws and to put an end to the iniquity of the patricians. His extraordinary career may have raised his views, till nothing seemed beyond his reach: and in that early period of the consular government, when the kingly form was still generally esteemed the natural and legitimate one, the plebeians, when they sacrificed on the nones to the memory of Servius, addressed silent prayers to the gods, that they would once more send them a king and protector.

It is not improbable that the lesser houses, who were oppressed, as adherents of Tarquinius, by a faction of the oligarchy, coalesced with the commonalty as partisans of Cassius. He was ignominiously beheaded, and his house rased to the ground. A brazen statue of Ceres was erected in her temple from the proceeds of his fortune. Yet it is strange that patrician magistrates should have raised such a monument in a temple so peculiarly the property of the commonalty, and it may possibly have been dedicated somewhat later from the spoils of another Sp. Cassius who, if the story be true, fell a victim to a traitorous tribune of the people. (Appendix W.) That the Cassii who appear in later times as his descendants should be plebeians, is perfectly natural, as perhaps the patricians expelled the whole house as they had done that of the Tarquins; or they themselves, at least after the decemvirate, when there was nothing to prevent them going over to the commonalty, voluntarily abandoned the order that had shed the blood of their father or kinsman.

They were avenged by his agrarian law, for that such a measure was passed is unquestionable, otherwise the tribunes who before the Publilian law could not originate a law, but only insist on its execution, could never have brought the subject forward. It seems probable that after the law was passed, the senate appointed a board of commissioners, consisting of the consuls of the ensuing year with the ten oldest consulars of the greater houses, to superintend its execution. The necessary effect of this was to make the law a dead letter. If the ordinance by which this board was appointed was not subsequent to the bill, and designed by inaction to frustrate the purpose of the law, Cassius in consenting to it must have resolved, having after the greatest opposition procured the recognition of the principle, to leave the execution of the measure to better times. That he can have had no intention of subverting the existing laws is clear, since he could not have brought this bill before the centuries, unless it had previously received the assent of the senate.

#### CHAP. XIV.

##### THE SEVEN CONSULSHIPS OF THE FABII.

The extraordinary fact that for seven consecutive years, from 269 to 275, one of the seats in the consulship was always filled by a member of the same house, cannot have been the result of accident. It was the price paid by the older tribes to the powerful house of the Fabii for their support in an attempt to exclude the lesser houses from the consulship. To accomplish this the election-law was changed. The senate had hitherto confirmed the free choice of the centuries by an ordinance, which the curies adopted, and so invested the person elected with the imperium. This procedure was now inverted, and the centuries

were to content themselves with confirming by their homage the consuls appointed by the senate and the curies. The first time they were convened for this purpose was in 269, to recognise Cæso Fabius and L. Æmilius; but they refused to give their assent to the abolition of their right. In the next year the senate again nominated the consuls; they were M. Fabius and L. Valerius, men against whom the wishes and prayers of the commonalty were no less directed than against their predecessors. In 271, however, the interrex, to quiet a ferment, was obliged to convoke the comitia of the centuries in the field of Mars, and the election of one of the consuls was ceded to the centuries, the curies still retaining the appointment of the other. This advantage was kept by the houses for full thirty years, till the ancient prætorship expired in the decemvirate.

The cause which averted the total subjugation of the commonalty in 269 was without doubt this, that a strong party of the oligarchy, finding themselves excluded from the consulship, united with the commonalty, whereupon the ruling faction must have deemed it hazardous to follow up their victory too violently. The tribunate appears first to have assumed an offensive attitude about the same time; the veto which the curies possessed, by which they were able to exclude every one, the vehemence and pride of whose character might be a subject of alarm to them, combined with the ignorance that the tribunes themselves had of the strength of their office, had hitherto confined it to a defensive position. C. Mænius demanded in 271 that the agrarian law should be executed, and opposed the levies for a war which undoubtedly the ruling party had themselves kindled. He was perfectly justified, as in the first place the consuls were unlawfully appointed, and in the second place, the war not being a defensive war, the centuries were entitled to a voice in decreeing it. But the protecting power of the tribunes extended only a mile without the

gates: beyond the temple of Mars the imperium was unlimited and the tribune was no safer than the meanest plebeian. Here then the consuls erected their tribunal, and by force of their plenary imperium compelled the plebeians to enroll themselves in the legions. The legions were raised, but the tyrants could only compel the body; the determination of the troops not to gain any honour or booty for them appears here for the first time. Derided by his soldiers, L. Valerius, one of the judges who had condemned Cassius, returned home without victory. The hatred of the plebeians was redoubled, and caused an union between the greater and lesser houses, the latter of whom from this time forward show the bitterest hostility to the plebeians. The senate bestowed the vacant seat by the side of one of the Fabii on Appius Claudius, but the tribunes and commonalty rose to a man against his appointment, and forbade the assembling of the patrician estate for an illegal election. At the expiration of the official consular year the republic was left without a head, and an interrex was elected by the curies. It was the established usage for this officer to take no votes excepting for persons proposed by the senate; the centuries however were now at least assembled in the first instance, and C. Julius a member of the lesser houses was proclaimed as elected by them; perhaps his colleague Q. Fabius was so likewise. A formal arrangement by which the centuries regained the choice of one of the consuls manifestly preceded the election of Sp. Furius for the following year 273, when Cæso Fabius was appointed a second time by the senate and the curies; and such continued to be the practice down to the decemvirate. The nominee of the patricians was deemed the superior in rank, to whom the other was attached as colleague; but to keep up a show of mutual concession, the patrician consul probably was to be confirmed by the centuries, as it was indispensable that the one chosen by

the centuries should be by the curies: we may be equally certain that no regard was paid to the centuries, if they refused such a recognition: in such a case it was voted for the sake of form by the clients.

The influence of the clients in the elections was very great and could no doubt always place in the college of tribunes one or more dependents of the patricians, but the election of Publilius Volero whose personal enmity the patricians had full cause to dread, proves that the commonalty was already able to bring in men against the votes of the clients. Nay the second election of Volero is a proof that the confirmation of the curies had ceased to be requisite, it was perhaps given up by way of compensation to the commonalty at the compromise mentioned above. Henceforward the most determined leaders of the opposition are found along with professed adherents of the patricians in the college of the tribunes till the passing of the Publilian law, the latter often preponderating in numbers; for questions were not decided by a single veto but by a majority in the college till the middle of the fourth century. Thus Sp. Licinius who in 273 wished to prevent the levies was outvoted: the soldiers however whom Cæso Fabius led against the Veientes refused to conquer, and abandoned a victory already certain. The Fabii at last could not disguise from themselves that it was a melancholy honour to have the command of men so incensed that they chose rather to perish than to conquer, and they resolved to make friends of the commonalty. M. Fabius, the colleague of Cn. Manlius whom the centuries had elected in 273, followed up this plan, and being determined to fulfil the promise, by which he had induced the soldiers to reap for him the victory of a hard-fought battle, refused to join the patricians in their illegal project of filling up with a nominee of their own the place in the consulship vacant by the death of Manlius. This and other popular acts induced the patricians to withdraw their votes

from the Fabii; so totally was the state of party feeling in the republic altered, that in the next year the centuries of their own free choice raised Cæso a third time to the consulship.

The zeal of the commonalty in his favour was increased by his recommending that the agrarian law of Cassius should be carried immediately into execution. The men of military age gathered joyfully under Cæso's banners. After a glorious campaign Cæso returned to renew his conciliatory propositions, but when every hope of obtaining a hearing for them had vanished, his house took the resolution of departing with their dependents and adherents from a place where they could no longer live in peace, and to found a separate settlement which might at least be of use to the people they were so intimately allied to by blood and birth.

That the Fabii were not merely an advanced post, occupying a fort in the enemy's country, but that they formed a settlement on the Cremera with their wives and children is unequivocally implied by Gellius. That there should have been but one boy living in a body of families that sent forth 306 soldiers, has been proved by Dionysius to be impossible. But the progenitor of the Maximi was not left at Rome on account of his youth, as he was consul but ten years after; on the contrary, from this fact and from the part which we find him taking as the opponent of the plebeian claims, we may safely infer that he was a man in the prime of life and of a resolute character, who persisted in the previous sentiments of his house, and separated from them when they emigrated. It is possible however that at that time he may not have been living at Rome but at Maluentum.

The number 306 beyond a doubt only embraced the serviceable men, who belonged to the house and were in that sense Fabii, even if only a small part of them formed it. In the four or five thousand, numbers per-

haps which are exaggerated, the women and children were included; the greater part however were plebeians who were not unwilling to defend the estates they might acquire on the borders. On the ides of February Cæso, who was still consul, led them forth through the Carmental gate, along the road which they were never to return. For five hundred years no Roman whose mind was swayed by the faith of his ancestors, went out of the city by this gate.

The story of their exploits, and of their destruction, belongs to the history of the changeful war against Veii. (Appendix X.)

## CHAP. XV.

### THE VEIENTINE WAR.

This is the war which, according to Dion, the patricians excited for the sake of employing the commonalty, and of which the Fabii as the heads of the oligarchy must have been the chief promoters. In the two first years, 271 and 272, the hostilities were of little importance. In the next year the infantry in the army of Cæso Fabius refused to secure the victory which the impetuosity of the cavalry had opened the way to, and retired in confusion to Rome. The expectations however, which the Etruscans had in consequence formed, of subduing Rome, were checked in the next year. The account of this campaign is substantially a very ancient monument, and is probably in a great degree taken from the domestic memoirs of the Fabian house; the gigantic numbers however are of the same nature as similar ones in the legends of the kings. The victory over the Etruscans was most decisive, but the death of his colleague Cn. Manlius, and of his brother Q. Fabius, prevented the surviving consul M. Fabius from celebrating a triumph. The only advantage gained

was that Cæso could be sent in 275 against the Æquians, but he was compelled to return by forced marches to the assistance of the army, which had taken the field against the Veientes in insufficient numbers. Soon afterwards the Etruscans extended their ravages as far as the fort on the Janiculus. In the same year the Fabii established themselves in their fortress on the Cremera. The Etruscans who assembled to besiege them were defeated by the consul L. Æmilius. Hereupon a truce was concluded only for a cyclic year, for before the consuls for 277 went out of office, the Fabii fell. While the day on which the Fabii perished, the eighteenth Quinctilis, is a matter of unquestionable tradition, the manner of their destruction is totally uncertain. History tried to lighten the grief excited by a woful calamity and perhaps to throw a veil over atrocious guilt by adopting the splendid fictions of poetry. Of these we know two, the first of which Dionysius treats with contempt: that the Fabii on their return from Rome, where they had gone unarmed to celebrate a sacrifice peculiar to their house under the guarantee of a sacred truce, were attacked suddenly from ambuscade, and cut off to a man. The second Livy has adopted; that they were lured into an ambuscade, and overwhelmed by numbers in spite of a glorious resistance. In whatever way they perished, they were no doubt sacrificed, for the consul T. Menenius was encamped but a short distance off at the time, and was afterwards condemned as the guilty cause of the disaster. Menenius however was himself attacked and totally defeated, nor was the city considered secure against a sudden assault from the Etruscans, who were encamped on the Janiculus, till the return of C. Horatius and his army from the Volscian borders.

Fourteen days after the disaster on the Cremera, on the first of Sextilis the new consuls, A. Virginus and T. Servilius, entered upon office. Although the Etrus-

can army had been repulsed in their attack upon the city, their ravages on both banks of the Tiber had cut off the supplies, and crowded the city with fugitives. It was at last determined that the two consular armies should sally forth, and whilst one should storm the Janiculus, the other should turn the flank of the enemy. After a desperate contest the Romans were successful, and the Etruscans abandoned their camp in the night. After the retreat of the Etruscans the historians speak of a peace, but it was probably only a truce for ten months, as in 279 the consul Valerius again defeated the Veientes. Hereupon in 280, peace was concluded for forty years, and it is by no means improbable that at this time the seven 'Pagi' were regained, amongst other compensations for the severe hardships of the war. The Romans were without doubt indebted for the favourable result of this war to that waged by Hiero against the Etruscans, the memory of which is preserved by the helmet consecrated at Olympia, as well as by Pindar's ode. The inhabitants of Veii were thus in the last campaign no longer assisted by succours from their own countrymen; for all the resources and thoughts of the maritime towns were turned to their own affairs by the decisive overthrow of their fleet, which probably took place shortly after the defeat on the Janiculus. (Appendix Y.)

## CHAP. XVI.

### INTERNAL HISTORY FROM THE DESTRUCTION OF THE FABII TO THE FIRST PESTILENCE.

When the immediate danger was over, the tribunes impeached T. Menenius for not having succoured the Fabii; their object seems to have been merely to fix the guilt upon him, and not to take vengeance on an

offender in behalf of whom his father's memory pleaded. It is uncertain before what tribunal he was accused, but if it was that of the curies which condemned him, this circumstance will account for his refusal to outlive his disgrace. Sp. Servilius the consul was next impeached, on his going out of office, by the tribunes before the curies, for his rash attack on the Janiculus, and was acquitted, as was reasonable. It was before the commonalty, however, that in 281 Cn. Genucius summoned L. Furius and C. Manlius, the consuls of the past year, for their refusal to put into effect the agrarian law, for which there was an occasion, as some territory had been gained from Veii, on the conclusion of peace the year before. The defence which the consuls put forward, that the law merely related to the immediate successors of Cassius, was not calculated to procure their acquittal, and the determination of Genucius to follow up his accusation was not to be shaken. The patricians, thereupon, determined on the murder of Genucius, and the consuls followed up the panic, which ensued amongst the commonalty, by ordering a general levy. This would have been carried into effect, had not the refusal of one man, Volero Publilius, to serve in the ranks, to which it was attempted to degrade him after serving as first centurion, brought on a conflict between the lictors and the people, the result of which was that the levy was abandoned. For the following year, 282, Publilius was chosen tribune of the people. He did not descend to personal revenge by impeaching the consuls, but, in order to secure a lasting advantage to his order, proposed to transfer the election of the tribunes from the centuries to the tribes. The patricians were not able to prevent the subject from being brought to the vote, but they exerted themselves to hinder the commonalty from coming to a decision, by prolonging the debate upon the measure till sunset, and then causing a tumult, by which all proceedings were put a

stop to, and could not be renewed till the next legal day of business.

The days on which the plebs, and those on which the *populus* assembled, were distinct, like their places of meeting and their games. Those of the plebs were the *nundines* on which the country people came in to market, but on these days it was unlawful to bring any measure before the *populus*, or to hold its *comitia*. This distinction was done away with by the Hortensian law, which gave the force of laws to the decrees of the people; as by this law the *nundines* were declared '*dies Fasti*,' and the custom was introduced of convoking the centuries likewise for the third *nundine* to pass laws or to elect officers. The proceedings of the tribunes were consequently confined to the *nundines*, or to one day in eight, and it was necessary that they should be terminated in one day; otherwise the bill was lost, and in this case the tribunes were obliged to give fresh notice of the proposition, as if it had been a new measure, to be discussed on the third *nundine*: another interruption was occasioned by the military expeditions, by which in the absence of the plebeians in the legions, the patricians by the help of their clients could outnumber the members of the second estate who remained in the city. By such hinderances the proposal of *Publius* was baffled for a whole year, but he was reelected, and in his second tribunate, in 283, he brought forward some fresh measures in conjunction with *C. Lætorius*. By the first of these the election of *ædiles* likewise was transferred to the tribes; by the second the plebs in its peculiar assembly was declared to be entitled to deliberate and to determine on all matters affecting the commonweal, when brought forward by the tribunes. This infused new life into the republic, although the decision to which the commonalty then came was still nothing more than a kind of resolution. The assembly of the plebs did not become a branch of the legislature till the year 298, when the senate acknowledged to the

tribune Icilius, that it was bound to take such a resolution of the plebs into express consideration. Till then it might be thrown aside unanswered, but the legal recognition of the right of the tribunes to speak daily before the whole people on the general affairs of the state, as they had hitherto done on those of their own order, was under the circumstances of the time, far more than granting the freedom of the press is now.

The inability of the government to maintain its legal veto may be conjectured to have arisen either from the Latins being prevented by war from sending any troops to assist them, or from the older houses favouring the commonalty in consequence of the daily increasing preponderance of the lesser houses. The senate, however, formed the plan of preventing the plebs from passing the resolution, and appointed Appius Claudius consul: the centuries had fortunately been able to give him a mild and soberminded colleague in T. Quinctius. On the decisive day an attempt was made by Appius to interrupt the proceedings, but his lictors were assailed, and the patricians were driven from the forum. The moderation of Quinctius prevented farther excesses on both sides, whilst the resolution of the plebs was without doubt passed before sunset, and was silently adopted as a law by the senate. Appius however rejected the peace, and burnt with a desire to avenge himself. In an expedition against the Volscians and Æquians he commenced a system of persecution towards his troops which engendered a feeling of hatred and distrust in them. A rumour that they were betrayed induced them to abandon the field, and afterwards their camp. This opportunity of vengeance Appius did not overlook; he decimated his army, but when his year of office was over, the tribunes impeached him capitally before the commonalty. He escaped the penalty of his tyranny by a voluntary death, which his friends concealed under the cloak of a providential release.

In this year 284 the consul T. Æmilius vainly endeavoured to persuade the senate to carry the agrarian law into effect. Equally unavailing were the demands of the tribunes in the next year 285; the discontent of the plebeians must have been very great if they refused to take part in the election of consuls for 286, according to Livy, by which perhaps it is only meant, that they refused their confirmation of the consul appointed by the curies. A brilliant campaign and the surrender of Antium produced a more conciliatory temper, and Æmilius being chosen consul for 287 repeatedly urged the execution of the Cassian law, and perhaps not without some effect; inasmuch as between this year and 312 no agrarian demands were brought forward. The colony sent to Antium indeed was no relief to the commonalty; for the settlers were members of the curies, ten from each, and were unquestionably sent to protect the domain of which the patricians took possession. The silence about the agrarian laws in the next twenty-five years may possibly be accounted for, from the district, about which the two estates had been contending, having been reconquered by the enemy.

About this time the patricians obtained the right of appealing to their assembly, against fines imposed by the consuls, as they had long since had against corporal punishments. Ever since the time of Publicola a limit had been fixed to these fines for the patricians, but it was not till the consulship of Tarpeius and Aternius that this preliminary step was granted to the plebeians: at the same time without doubt the law was enacted which empowered the tribunes to impeach any body before the court of the commonalty, who interrupted them when haranguing it, and to compel him to give such bail for his appearance as they chose to exact. It is ascribed to a tribune named Sp. Icilius, which name occurs among those of the first five tribunes elected by the tribes. The death of Appius had probably excited terror in the curies, and the moment

was favourable to gain their consent. This law, however, has been placed twenty years too far back along with the legend of Coriolanus, in which the author of this law, Icilius, comes forward as ædile at his impeachment. This statement, instead of being worthy of rejection, furnishes a valid ground for transferring the story of Coriolanus from a period when it is totally irreconcilable with facts, to one when it completely harmonises with the traditionary history. This legend will now be related, as far as its genuine features can be discovered.

## CHAP. XVII.

### THE LEGEND OF CORIOLANUS.

Cnæus Marcius was in the camp before Corioli when the Antiates came to relieve that town; he defeated the relieving army, and at the same time repulsed a sally of the besieged garrison. Having forced his way through the gates with them, he took the place, and thus gained in one day a double victory. It was in after ages supposed that he had derived his surname from this conquest. A subsequent victory which he achieved with his clients, served only to increase the dread, which his haughty bearing had excited in the plebeians, and they refused him the consulship. In revenge, during a most severe famine, when it was proposed that some corn from Sicily, which had been partly bought, partly was a present from a Greek prince, should be distributed gratis to the starving commonalty, Coriolanus advised that it should be kept locked up unless they abolished the tribunate. For this he was impeached before the commonalty, and condemned. He retired to Antium to live in exile as a 'municeps.' Here the friendship of Attius Tullius

secured for him an honourable reception. The Volscians induced by his promises appointed him their general. In the course of two campaigns he stripped Rome of all her allies on her Latin frontier, and encamped within five miles of the Capene gate. His ravages had been confined entirely to the property of the plebeians. The general panic at Rome quickly procured his restoration to the rights of a Roman citizen, but Coriolanus did not regard his private interests alone. He demanded the restoration of their territory to the Volscians, and their reception as allies and isopolites, and allowed the Romans three and thirty days, according to the feacial law, to consider his proposals. These terms are nothing else than those by which Rome in the year 295 purchased peace with the Volscians. But there was another condition, the admission of which would have been attended with the greatest calamity to the state. This was the victorious re-entry of the exiles, a powerful band of whom we find engaged in the enterprise of Turnus Herdonius, probably the major part descendants of the Tarquinian party. His warmest adherents in the city could not but have trembled to see him come back as the chief of a band who viewed the burgesses and the commonalty with equal contempt. At the end of thirty days, a deputation of the senate first attempted to move his compassion: on the following day, the ministers of religion waited on him; but to no purpose. Rome at this crisis was saved a second time by her women. The prayers of his mother, who headed an embassy of the noblest matrons of the republic, overcame his resolution. "Mother," he said, bursting into tears, "thou hast chosen between Rome and thy son: me thou wilt never see again: may they requite thee for it." Unwilling to return to the home, to which he could not carry back his companions, he lived amongst the Volscians for the remainder of his days, and when death released him at a great age, the

Roman matrons were mourning for him, as they had done for Brutus and Publicola.

The story that Coriolanus lived and died in quiet among the Volscians, excited no surprise as long as it was the general belief that they were indebted to him for the glorious termination of the war; but as soon as the story had crept in, that he had yielded his demands in favour of the Volscians to the prayers of the matrons, various accounts were devised of the way in which he perished. The account of his voluntary death we have from Cicero, who merely states that he took part in the calamitous Volscian war. The Roman tradition evidently looked on him and his followers as a power with which the Volscians united themselves, as with a state, in their war against the Latins, with which the Romans were merely menaced. Poetical invention has however most thoroughly stifled the historical tradition. The capture of Corioli belongs to a heroic poem: at all events the origin of the name Coriolanus must have been of the same kind as that of similar ones derived from other Latin towns. The present of corn from the Sicilian prince is probably borrowed from the year 344, though the proposition of Coriolanus may be in substance historical. Amongst the numerous impeachments of powerful delinquents by the tribunes, which followed soon after the famine of 278, that of Coriolanus may have been one of the first, and Sp. Icilius may perhaps have appeared there before his tribuneship as ædile. Several years may have elapsed between the condemnation of Coriolanus and the peace of 295, in which it is extremely doubtful whether he actually took any leading part. As for the two enumerations of his pretended conquests, they are merely two imperfect lists of the towns taken by the Æquians, along with those taken by the Volscians after the fall of Antium, and of the fortresses in the Pomptine district. We may conjecture with confidence that the vanity of the Romans tried to console

itself by representing the recall of the colonists as a concession made to their magnanimous and injured fellow-citizen, and that Coriolanus only attended the Volscian standards as leader of a band of Roman exiles. Since however a recollection like that which remains of him cannot rest on a mere fable, we may deem it certain that his generosity resigned the opportunity of taking the city, when Latium was almost entirely subdued, and Rome was brought to a very low ebb by the pestilence.

## CHAP. XVIII.

### THE WARS WITH THE VOLSCIANS AND ÆQUIANS DOWN TO THE PEACE OF 295.

Previous to the unspeakable calamities which befell Rome in these wars, several years had passed with great vicissitudes of fortune. Down to the year 285 the Romans were only fighting in defence of remote districts, or of their confederates, but now the Ausonian tribes had advanced so far that the territory of Rome itself was subject to their ravages. The campaign of 286 was more favourable to the Romans, and was terminated with the capture of Antium, and the settlement of a joint colony there. So many towns however were lost, that the census of 289 contained 26000 heads fewer than that of 280. From 287 to 290 the war was carried on by the Æquians alone. The year 289 was the first of that unfortunate period which brought Rome to the brink of destruction. The next year the Ecetrans who had been at peace for three years with the Romans, declared war again. The campaign was disastrous to the Romans, and their misfortunes were increased by a dreadful pestilence, which originated chiefly from the crowded state of the city, owing to the peasants with their cattle having sought refuge within the walls.

The next year was still more calamitous to the Romans. The Volscians and Æquians, taking advantage of the defenceless condition of the city, encamped within three miles of the Esquiline gate, and on their return defeated the Latins and Hernicans with great slaughter near Tusculum. The campaign of 292 is represented as a victorious one, but there are strong reasons for supposing the triumphs to be fictitious. The cessation of hostilities during the next two years is to be accounted for probably from the spreading of the pestilence. In the next year 295 the citadel of Tusculum was seized by a body of light armed troops, and held for some time, till famine compelled them to yield to the Romans; Antium also was lost by what is represented to be a revolt, although from the amicable terms which it maintained with Rome till after the Gallic invasion, and from other facts, there are grounds for supposing that it was ceded to the Volscians. The municipal relation into which the Volscians were this year admitted by their league with Rome, accounts for the increase of the numbers in the census to 117319, which had in 289 only amounted to 104114, in spite of the pestilence and the destructive war. This peace is made mention of by some historians as if it referred to the Æquians, who this time also reappear as enemies of Rome the year after. The annalists, who thought themselves bound to suppress the fact of Rome having evacuated one of her colonies, did not perceive the wisdom of her resolution to dissolve thereby the league of the Volscians and Æquians, and so to confine the war to the Æquians alone. The Latin state was totally broken up; many of the thirty towns passed into the hands of the conquerors, and some evidently betook themselves to a state of clientship under the Romans; a dependence which they did not throw off till after the Gallic invasion. When the power of the Æquians failed, many of their towns passed into the hands of the Romans, who now fought for themselves alone:

and thus the Roman state grew out of the wreck of Latium, until its restored greatness was a second time overthrown for a while on the Allia.

## CHAP. XIX.

### THE ÆQUIAN WAR DOWN TO THE DECENVIRATE.

The inroads of the Sabines were an additional inducement to the Romans to dissolve the league between the Volscians and Æquians. The latter nation by itself in 296 was more than a match for a single consular army, which was with difficulty rescued when besieged on mount Algidus. The task of relieving the army was transferred to a celebrated name by a very highly wrought poetical legend. T. Quinctius Cincinnatus was summoned from the plough to lead the army of reserve to the relief of Minucius, and having suddenly marched to mount Algidus and surrounded the beleaguering army of the Æquians commanded by Gracchus Clælius, compelled it to surrender on the most disgraceful terms. This legend bears internal evidence of its poetical character. Dionysius stripped it of its marvellous features, and so produced a story which at best is not quite impossible. The only undeniable fact of the story at the utmost is that Cincinnatus as dictator delivered the beleaguered army; but it is by no means improbable that Q. Fabius, who afterwards took the command of the army from Minucius, was the person who saved it, and that the honour was attributed to Cincinnatus, to conceal the melancholy recollection that his dictatorship procured the expulsion of the accuser of his guilty son; its real object having been to intimidate the plebeians into relinquishing their project for the reformation of the laws. In 297 Corbio and Ortona were

retaken from the Æquians, but the glorious campaign of the two consuls on mount Algidus in 299 has too much the air of having been invented by the annalists. During the years immediately preceding the decemvirate there was but little military adventure, since the Terentilian law occupied everybody's attention at Rome, and the tribunes probably stopped all levies, as the necessity for them was not urgent. This was owing partly to the isopolitan league with the Volscians, and latterly to a terrible pestilence, which in 301 fell upon the Auruncian nations and the Sabines along with the Romans.

## CHAP. XX.

### DISASTERS AND EXTRAORDINARY PHENOMENA.

For twenty years before the decemvirate Rome was visited by a succession of physical phenomena as disastrous to her at home as her calamitous defeats were abroad. The first epidemic disorder appeared in 282; its character was most virulent, and it swept over the rest of Italy. The ravages of the second in 291, which probably was as widely spread, were of an equally fatal nature, and on the return of the same sickness in 301, the mortality was no less alarming. This pestilence attacked the neighbouring states with equal fury, and no doubt produced or promoted many changes throughout the whole peninsula. From its propagation into the mountainous districts of the interior it appears to have been of a different kind from the Attic pestilence which broke out only sixteen years later: for this, like the yellow fever, appears not to have moved far from the sea or the great rivers. The effect of this pestilence was that the fields were left uncultivated, and a famine consequently ensued in the next year.

No occasion is stated for the breaking forth of the pestilence in 301; that of 291 was owing to the crowded state of the city, where the fugitives were exposed to the malignant fevers of the city during the dog-days, and diseases bred amongst the cattle would have a tendency to promote the development of the contagion. The same causes operated at Athens: Thucydides however is inclined to trace the origin of the disease there to a ship which brought it from Egypt to the Piræus.

Both these Italian pestilences and the Attic one were probably connected with contemporary volcanic convulsions. Such was the case with the 'black death,' the progenitor of the present oriental plague, which arose in China in 1347; such with the pestilence in the reign of Justinian: both of these visitations appeared during a period of incessant terrible earthquakes. The dreadful mortality too that prevailed in Italy and Greece U. C. 460 fell out at least very near a time of unusual volcanic convulsions. If we look for such at the period of the two Roman epidemics we find that the first occurred only three or four years before the earthquake in Taygetus, by which Sparta was destroyed; and in the imperfect state of history, the records of contemporaneous shocks may easily have been lost. As to the year 291, if the eruption of Etna, which took place in Ol. 81, fell in the first year of that Olympiad, it coincided exactly with this pestilence. The epidemic of 301 may have sprung from the embers of the preceding one, as was the case with the second Attic pestilence.

Meteorological appearances of an unusual nature for southern regions are also registered for the years 290 and 295, and in the latter year the almost incredible phenomenon is recorded of a shower of flakes like flesh, which the birds devoured, and of which what remained on the ground did not rot. The fact that no such appearance has ever occurred again, hardly warrants us in denying the truth of a statement attested by con-

temporary authority, no more than the present state of Vesuvius would entitle us to deny the existence of the volcanoes that of yore filled whole regions of the earth. (Appendix Z.)

## CHAP. XXI.

### CIVIL HISTORY OF THE ELEVEN YEARS PRECEDING THE DECEMVIRATE.

The weakening effects of these pestilences were felt more by the houses than by the commonalty, as many of the former became utterly extinct, and the remainder, not being open to fresh supplies, shrank up more and more into an oligarchy. The clientry of the extinct houses being released from its dependence would seek admission into the commonalty. Another inevitable consequence of the calamity was the degeneracy of manners. Very calamitous times however generally awaken a sense of the defects of existing institutions, so that owing to this feeling, proposals for the reformation of the laws obtained a more favourable hearing. The first of these bills was brought before the commonalty in the year 292 by the tribune C. Terentilius. The plebeians desired a compilation and revision of the laws, of the political code, as well as of the civil and penal one. The object aimed at was threefold: to unite the two orders, and to place them as nearly as possible on an equal footing; to institute a supreme magistracy in the room of the consulship with less power, and to limit its arbitrary authority; and lastly to frame a national code for all classes of Romans without distinction. Of these Dion adopts the first, Livy the second and the third, and Dionysius the third only, as the real object. The evil to be remedied, was not an absolute want of written laws, but the di-

versity of rights. The orders were still kept essentially distinct, as neither a 'connubium' nor 'commercium' existed between them. Every cury guaranteed the integrity of its century of arable land, and on the other hand, the allotments of the plebeians from the public domain could not be transferred to the patricians. It was on this account that the severity of the ancient law of debt was so great, as the monied men were unable to seize the lands of their debtors. The plebeians alone were subject to personal imprisonment, and the fines to which they were liable were at present unlimited; but in both these points the patricians were privileged. A still further diversity of rights may be inferred from the different courts of the two orders. Amongst the patricians themselves there was as much difference in their rights as in the origin of their tribes. Again in the colonies and other dependent townships peculiar rights existed. The clients also had their patrons for their judges, and the custom of the patrician tribes for their law: and independent individual ærarians had no determinate law. In such a chaos we are led by analogy to conjecture that a litigation between members of different classes would be tried by the law of the defendant. Not only prejudices were shocked by the project of replacing this by an uniform law of the land; but passions were violently irritated by the plan of placing all classes on an equal footing and uniting them into one nation, so that the supreme authority should be equally divided between them, and the power of the chief magistrate be in some respects limited. The appointment of ten commissioners for this purpose was proposed in this bill, five from the patricians, who without doubt would have been the two consuls, the two quæstors of blood, and the custos urbis, and five from the plebeians, to wit, the tribunes.

The bill of C. Terentilius, in 292, was passed by the commonalty, but rejected by the senate and the curies. The next year it was revived by A. Virginus, or a still

more extensive one brought forward. The aristocratical party must eventually have grown weary of constitutionally opposing their veto against a gradually increasing minority. Hence the same tactics were employed as against the bill of Publilius, and the commonalty with their tribunes were repeatedly driven off the field on the regular assembly days by the patricians aided by their clients. The ringleader in these outrages was Cæso Quinctius, the son of Cincinnatus. His excesses at last roused the multitude from their indifference, and the offender was cited before the court of the tribes on a capital charge under the Icilian law, for having disturbed the tribunes in the exercise of their functions. The numbers of the plebeians, who probably would have protected their officers with arms in their hands, precluded the idea of any violence on the part of the patricians. The additional charge of a private outrage committed by Cæso on the brother of M. Volscius Pictor, who had formerly been tribune, which the consuls had refused to entertain, roused the fury of the assembly, and Cæso who had found ten sureties in 3000 ases apiece for his appearance in court, finding that all possibility of indulgence was lost to him, withdrew from Rome into Etruria. The sum, in which his sureties were bound, was forfeited to the temple of Ceres. That it was exacted from Cincinnatus, is a mere fiction to explain his subsequent farm of only four jugers. The greater houses were inclined after this to give way, but the lesser houses, to whom the Quinctii belonged, showed greater obstinacy, and also greater policy than ever. Their violence on the days of the assembly was strangely contrasted with their courtesy and liberality to the plebeians at all other times. Such conduct was likely to mislead the multitude into the belief, that but for the tribunate general kindness and concord would prevail. The sudden irruption of a band of outlaws headed by a powerful Sabine, named Turnus Herdonius, who occupied the Capitol without

resistance, awakened the suspicions of the plebeians. They refused to enlist in the legions, till the solemn pledge of Valerius one of the consuls, that he would assist the commonalty to pass the bill, as far as the power of his office went, induced the plebeians to take the military oath. In the attack on the Capitol Valerius fell, but the outlaws were at last overpowered, and amongst them there is no doubt that Cæso perished. C. Claudius, the surviving consul, refused to redeem his colleague's pledge, and in addition procured the illegal election to the vacant consulship of L. Cincinnatus, by an ordinance of the senate. A scheme was then devised, by which the perpetual concordate and all other compacts were to be declared void and cancelled in a 'comitia' to be held at the lake Regillus through an abuse of the forms of law; but the patricians were foiled, and the same tribunes were re-elected continually from 293 to 297. In 295 the quaestors impeached M. Volscius before the curies, for having procured the condemnation of one of their order by false testimony. The tribunes however would not allow them to meet on this trial, till the appointment of Cincinnatus in 296 to the dictatorship compelled them to give way. This was evidently the sole object of his appointment, as he laid down his office within sixteen days.

The horrible spirit of animosity, with which the oligarchies of antiquity were filled, seems incredible to such as are only acquainted with the mild and amicable footing, on which the several orders stand under a monarchy. Dion tells us that the patricians caused many of the boldest among their adversaries to be assassinated; yet these assassinations did not effect their end. In the next year 297 the number of the tribunes was doubled, and became ten, two from each of the classes. They bound themselves to unqualified unanimity, till they should gain their point with regard to a new code of laws. Their power was evidently on the

increase, as, in 298, the consuls were compelled to bring before the senate the Icilian law for assigning the Aventine to the plebs, and the law was carried. By this the plebeians were confirmed in the entire occupation of that hill, from which all patrician possessors were ejected; it became their citadel, and the Icilian law, along with those on which the liberties of the commonalty rested, was excepted from the otherwise unlimited power of the decemvirs. In the year 300, another great step was gained in the abolition of the power of the consuls to impose arbitrary mulcts on the plebeians. By the law of Sp. Tarpeius and A. Aternius, the consuls, the extreme was limited to two sheep and thirty beeves, nor could the maximum be imposed all at once, but could only be reached by the fine being raised by a single head each day, excluding the 'dies nefasti,' till it attained the highest amount. Thus no one could be ruined by excessive fines unless he was guilty of obstinacy, for if the consul's command was unreasonable, the tribunes were ready to afford protection. By another provision of the Aternian law all magistrates were empowered to impose fines.

In the same year, the ninth after the first introduction of the measure by Terentilius, the senate and the curies at length consented that the laws should be revised. The question as to the representation of the orders was postponed, and five senators were commissioned to go to Athens, at that time the most flourishing of all existing republics. If the question, whether the name of Athens has been thrust in or not by later writers arbitrarily, were to be decided by the relation between the Attic civil law and that of the XII. Tables, we should decide in the affirmative, for there is not the slightest resemblance between the two codes, in any thing that is essential and characteristic, with regard to personal rights and the various forms of legal acts and judicial proceedings: but these arguments would be equally conclusive against any Greek city, except those

of Italy. (Appendix A a.) If however the model of a state, in which the commonalty and the houses had been united in one nation by a complete equality of privileges, was needed, Athens afforded such, together with a spectacle of all the blessings that had attended such an union. The laws of Solon however did not contain what the Romans wanted: they took their lesson from a later legislation. At Athens, as at Rome, the 'demos' was in fact a commonalty, consisting of the old inhabitants of Attica. The division of the four Ionian tribes could only affect the ruling nation, who composed the 360 houses in those tribes, and in the same manner, the local division into demes originally related only to the commonalty, whom according to their situation we find divided into men of the highlands, the lowlands, and the coast. This demos was excluded by Solon from the council, and from all high offices, while by his constitution of the classes all the indigent eupatrids were removed from the government, without the rich members of the demos being admitted to it. The most probable view of the reform introduced by Clisthenes is this, that like Servius Tullius, he transformed this scattered demos into an uniformly organised community, and set it up by the side of the old tribes. During the subsequent interval, in which Athens developed itself with such prodigious rapidity, the two orders united into one body, and the ten tribes, instituted by Clisthenes, became a division embracing the whole nation; while the Ionian tribes were abolished, and the phratries thrown open to every citizen. By the regulation of Clisthenes each tribe contained ten demes, so that the seventy-four additional demes, which we meet with in after times, must have been made up partly of cantons dependent in his time, and partly of houses, as may be inferred from their names. This alteration had taken place a considerable time before the decemvirate, the first year of which fell about the thirteenth before the Peloponnesian war.

The extensive commerce carried on between the western coast of Italy and Attica would fully account for the fame of Athens, which was then at its zenith, having penetrated to Rome. Perhaps it may have been the Ephesian Hermodorus who directed the Romans where to look for a model of salutary laws: he probably assisted the decemvirs in framing the constitutional part of the XII. Tables, as it can have been no common service that procured a stranger the honour of a statue in the comitium.

## CHAP. XXII.

### THE FIRST DECEMVIRS AND THEIR LAWS.

After the return of the envoys, some short delay took place in the appointment of law-givers; the plebeians however gave up the point in dispute, and ten senators were nominated commissioners. Five of these appear to have been made up of the two consuls, the two quæstors of blood, and the warden of the city, and the remaining five were probably chosen by the centuries. The patricians were the more determined that none but their own order should be admitted, since this board was not only to draw up a scheme of laws, but to enact them, and to be the sole magistracy in the state: besides, unanimity was much more likely to be attained from an arrangement of this nature, and in case the decemvirs should betray their trust, the centuries had the power of rejecting any objectionable law. The tribunate as yet could not have been abolished before the new constitution was settled, and our historians, as they were unable to perceive what a complete distinction there was between the first and second decemvirate, have transferred a provision to the former, which they merely read of as connected

with the latter, or perhaps with the Terentilian bill. The supreme power was always lodged with one of the body as 'custos urbis,' whom the lictors attended; the rest acted as judges: the rotation was probably the same as in a decury of interrexes, where the kingly power remained five days with each. They appear to have remained in office rather less than a year, as they probably entered upon it in Sextilis, when the consular year began, and their successors took their seats on the ides of May. When they had completed the national code, they published it on ten tables for the information of the people, in order that any amendments might be suggested; and when every objection was satisfied, and their work was approved by the senate, they brought it before the centuries, whose assent was ratified by the curies. Hereupon the laws were graven on ten tables of brass, and were posted up in the comitium that all might read them.

These laws continued down to the time of the emperors to be the basis of all civil and penal jurisprudence. Unfortunately but little information is conveyed by the scanty fragments that accident has preserved; we may however notice some of the political changes effected by them. It was now requisite that there should be a division of the nation which should comprehend both orders, and as the tribes of the houses could not take in the plebeians, the patricians were enrolled in the local tribes. It is thus, that we find after this time patricians frequently removed from their tribe and degraded to the class of ærarians; on this also was founded the claim of the patricians to be eligible to the tribuneship after its re-establishment. The patricians however were still considerable enough to maintain their existence as a separate order, and it was therefore not wished to swallow them up, without any distinction, in the general mass of citizens; so that the patrician houses were still allowed to exist, although in the second decemvirate the distinction of greater

and lesser houses was done away with, as Appius took the votes of the senate in the order he thought fit; and ere long we find all allusions to such a distinction die completely away. From this time all patricians appear to have been indiscriminately eligible to every office of state; and although the curies with material alterations continued to subsist, the three ancient tribes were abolished, as they obstructed the transformation of the patricians into a body, in which all should be equal, and they could not conveniently be kept on foot alongside of the general tribes of all the citizens. From this time forward the precedence of the curies in giving their votes was determined by lot.

Another great innovation was, that all who were *ærarians* at this time were enrolled in the tribes, as at least a great number of *pale-burghers* and *metics* had been by Clisthenes. This infusion of foreign elements amongst the hereditary land-owners is clearly evidenced after the restoration of the tribunate, when we frequently find a party in the college, and even a majority, devoted to the patricians. The clients too, who in earlier times were distinguished from the *plebeians*, were now reckoned among them and made up a large part of the tribes. A great number of freedmen of the patricians likewise, and of the descendants of such, must have been admitted at the same time. The ancient colonies also appear to have been incorporated in the tribes, as they are never more heard of as such; the commonalties of these towns most probably stood in the relation of clients to those families, which bore a '*cognomen*' derived from them. To unite all these, as well as the numerous '*inquilini*,' with the nation, was a measure no less politic than equitable, for the pestilences must have exceedingly thinned the ranks of the order, which alone was bound to serve in the legions, and after the decemvirate we find more numerous armies in the field than before.

It was the more reasonable that this duty should be

imposed on the *ærarrians*, since the centuries, in which they already had votes, were now invested with higher powers. By the XII. Tables the trial of capital offences was transferred to the centuries, as the general national assembly, and in conformity with this change, the *quæstors* of blood were henceforth elected by them. The *prætorian* magistracy however still retained jurisdiction, where the guilt of the accused could be determined by any particular law. The jurisdiction, which the plebeian tribes had possessed over their own order was likewise abolished, as both those tribes had ceased to exist, and the officers who had transacted business with them, the *tribunes*, were done away with. The necessity for the protection of these officers was no longer felt, when the supreme magistracy was thrown open to the commonalty, and the *patricians*, instead of a distinct order, assumed the form of a numerous nobility. The harmony likely to result from such a division of power was far more desirable, than the feverish excitement from the contest of antagonist principles, and the senate willingly acceded to the measure, that half the second *decemviral* board should consist of plebeians, on condition of the *tribunate* being abolished. This board was of an entirely different character from the first; the task of completing the XII. Tables was entrusted to them only along with the duties of an ordinary magistracy, and by the institution of their office the *Terentilian* bill for the better ordering of the consular power was carried into effect. The plebeian *decemvirs* were declared inviolable, their *patrician* colleagues were so already, as being inaugurated magistrates.

Now, from the year 311, had the military *tribunes* been chosen in the manner which *Dionysius* says was ordained, three from each order, the highest offices of the republic would have been divided amongst a body of ten, for there were two *censors*, and after 307 the two *quæstors* of blood were elected by the cen-

turies. By this partition of the consular power between the censors or prætors, by whichever name we choose to call them, and the military tribunes, whose authority was undoubtedly confined to the command of the army and had no connection with the administration of justice, the design of the Terentilian bill was in a great manner attained, and the formidable power of the supreme magistracy was completely mitigated, when the quæstors of blood were united in the same board with them. This modification however was found not to afford sufficient protection to the plebeians, as when the decemviral government was re-established under a somewhat different form, being no longer united in one board, by the consuls Valerius and Horatius, the tribunate of the plebeians was again set up by the side of it.

It is exceedingly probable that the report of the envoys, how the kingly power at Athens had been resolved into the college of the nine archons, had suggested this idea to the Romans of combining offices so entirely different from each other into one supreme magistracy. The law at Athens, that the archons in going out of office should become members of the council of Areopagus, may have suggested the corresponding regulation at Rome, that all such as had filled curule offices, down to the financial quæstors, should become members of the senate. As the censorship, a branch of the decemvirate, was held for five years, the hypothesis is warranted, that the other members of that board were intended to remain in office an equally long period, and thus the senate would not become too numerous by the accession of the outgoing magistrates, and the excitement of frequent elections would be avoided. There are numerous traces, that the same equality, that was established between the orders, was extended to the civil condition of individuals. There is evidently from this time a perfect 'commercium' between the two orders, but the pledging of the person

in the case of the plebeians was retained. Probably the law of debt was contained in the last two Tables added by the second board of decemvirs, the laws of which Cicero calls unjust, as well as that law, which allowed of no intermarriages between the orders. The plebeians continued to be excluded from the 'possession' of the public lands. These laws were not newly devised, but being already in existence were not abolished. Either the plebeian decemvirs considered them unavoidable and not really hurtful, or else, as a bare majority of the college decided each question, the vote of a single plebeian being gained over to the patrician side turned the scale.

## CHAP. XXIII.

### THE SECOND DECEMVIRATE.

The subversion of the constitution just established must clearly have been the object, which the patricians had in view, when they exerted their influence to obtain the election to the second decemvirate of L. Cincinnatus, C. Claudius, and T. Quinctius, all of whom had been such determined adversaries to the change. Appius had altered his policy and declared himself strongly in favour of the reform, as soon as he saw it was unavoidable, so much so that the people saw the only guarantee for the maintenance of the new laws in his re-election. He had been named president at the new election by his colleagues in the first commission, in order that his nomination to the new board might be constitutionally impossible, but he appears to have coloured his proceeding by alleging that the first board had not been magistrates but merely interrexes, and this plea must have been admitted by the curies. As censor and prætor he had the chief sway in the new college, a power which was in some degree shared by Q.

Fabius, who had been thrice consul. His plebeian colleagues were in most respects passive tools, although as nearly a year elapsed before the two Tables were made public, they had probably shewn a strong opposition to them. We must not suppose that they, or the centuries, allowed the connubium between the two orders to be abolished. There was evidently a barrier of this kind already, which a politic plebeian might allow to stand, as marriages of disparagement added to the numbers of the commonalty, and were quite as reputable as marriages with the right of *confarreatio*. The only difference was that a child from such a marriage could not inherit from his father, whose property in default of legal collateral heirs devolved upon his house, as the offspring was considered to belong to the same order with the mother. This right of inheritance which the 'gens' possessed, if the gens was extinct, devolved on the cury, and ultimately on the burghers at large; so that to this may be traced the origin of the rule that the testaments of patricians to be valid should be made in the presence of the pontiffs and the curies. In the same way plebeian testaments were made before the centuries, either on the field of Mars, or in battle array, whereby they resigned the claims of the whole body of the commonalty to the property of their fellow plebeian. By the law however, as now settled, this consent became a mere form, and ultimately both the comitia were merely represented symbolically. When the connubium was introduced four years afterwards, this unlimited discretion in the making of wills, being found agreeable, was still retained, though ultimately it was grossly abused. The law of debt was still retained by the Tables, but it is probable that some limits were set by them to usury, particularly as Tacitus says, that the uncial interest was an enactment of theirs. It must have been abolished however afterwards, at a time when money was scarce; and the law of 394 was only a revival of the earlier one.

The most injurious disparagement which the plebeians experienced, was the losing the right of appealing to their order from the decisions of the decemvirs, which the patricians retained. Although the plebeian decemvirs might interpose to protect their order against their colleagues, still this interposition was powerless in comparison with that formerly exerted by the tribunes. Even this weak protection the decemvirs are said to have annulled, by binding themselves on oath not to oppose one another. This may possibly mean, that they agreed to let the voice of the majority be decisive, and on this supposition the accession of one plebeian, such as Sp. Oppius, to his patrician colleagues, would give the new board an entirely patrician character. The terror of the new tribunal was at first universal, but gradually the aid of the tyrants was given to the patricians in any injuries, which they might choose to inflict on the plebeians. The leading patricians are said to have given their support to the tyrants, in order that the plebeians might be led to regard the restoration of the consulship, even without the tribunate, as a benefit. The excesses, however, ascribed to the patrician order, are without doubt exaggerated, though their support of an obnoxious government was sufficient to excite the hatred and indignation of the plebs. Perhaps the majority of the Romans would have been dissatisfied, had even these decemvirs ruled as laudably as the first college, inasmuch as both in the forum and the senate house a state of languor and inactivity had taken the place of that restless excitement, to which the nation had so long been accustomed. The plebeians however found out that all their guarantees had been surrendered, and that they were overreached; and the appearance of the decemvirs, each with twelve lictors and the axe replaced in the fasces, proclaimed that, like tyrants, they needed and sought protection and force from a guard.

The commencement of hostilities in the second year 305, by the Æquians and Sabines, caused the decemvirs to convoke the senate. The conscripts were forced to enter the legions without delay. Their discontent was the probable cause of the defeat of both armies. A legion of veterans was sent to assist the army, which had been defeated by the Sabines at Eretum, and was encamped near Crustumeria. The command of them was entrusted to L. Sicinius Dentatus, a most distinguished veteran, who in a former tribuneship had rendered himself obnoxious to the patricians. Most probably he reproached the troops for their cowardice in submitting to the decemvirs, and recalled to their minds the conduct of their forefathers at the secession to the Sacred Mount, the recollection of which was awakened by the locality of the camp. The generals determined on his death; and the veterans with their commander were betrayed to the enemy, and perished. The treachery however did not escape detection.

In the meanwhile Appius Claudius cast his lustful eyes upon a daughter of L. Virginus, one of the noble members of his order, the betrothed bride of L. Icilius, who had rendered his tribuneship memorable. To obtain possession of her, he suborned one of his clients to lay claim to her person, as being the child of a female slave of his, who had been imposed on her reputed father by his childless wife. She was seized upon in the forum, and dragged before the prætor, who was sitting in judgment in the comitium. This was Appius Claudius. In his presence the mock plaintiff repeated the tale that he had learnt, and demanded that his bondmaid should be adjudged to him. By the law of the XII. Tables, until judgment was given, the person, who was claimed as a slave, continued in the possession of his full rights, but was obliged to give security for his appearance in court. As the child was still under her father's power, there was no one who could stand surety for her in his absence.

Appius however consented to postpone his judgment, until her father could be sent for from the camp, but adjudged the maiden to the plaintiff's custody in the meanwhile. The lot of a female slave exposed her to the most brutal treatment; so that at this horrible sentence a loud cry of lamentation burst forth. Icilius and Sp. Numitorius, the uncle of the maiden, had by this time forced their way to the tribunal, and the crowd had so increased that it was found impossible to drag her away. Appius therefore altered his sentence, and, under the mask of forbearance, allowed Virginia to be bailed by her friends, and put off to the next day the question as to who was to give the legal security until a judge could determine the cause. In case however her father should not appear the next day, he announced his determination to maintain the dignity of the laws and of his office.

It was requisite that Virginius should be sent for immediately, lest the tyrant should procure his arrest at the camp. Whilst Icilius therefore contrived to detain the court, two messengers were dispatched to him, and he was already half way on his journey before the messenger of Appius arrived at the camp with instructions to detain him. The next morning Virginius appeared with his daughter before the tribunal. The case was heard by Appius, who decided that the maiden should be assigned to the plaintiff, until a judge should decide the matter. The reason for this decision Livy could not find any where credibly related. The lictors were then ordered to disperse the crowd, and the armed adherents of the decemvir rendered resistance hopeless. Under pretence of taking leave of his daughter Virginius contrived to withdraw for a moment aside with her, and snatching up a knife from a butcher's stall, plunged it into her breast. The lictors did not dare to stop him, as, holding the bloody steel on high, he hastened through the gate to the camp. The call to freedom was raised in the forum over the virgin corpse by Numitorius and Icilius, in which L. Vale-

rius and M. Horatius joined. The lictors were dispersed, and Appius finding himself deserted, muffled his face and fled. The senate was convened by Sp. Oppius, but came to no decision. The restoration of the tribuneship was now demanded by the commonalty, and the tyrants were abandoned by both the armies, who plucked up their standards and hastened to Rome; where the united plebeian force on the Aventine acknowledged twenty tribunes as its magistrates. The senate however did not give up the cause of the tyrants, but sent three deputies to summon the army to return to its allegiance; the plebeians however refused to negotiate with any of the senate but Valerius and Horatius, who were in consequence sent to them. The abdication of the decemvirs was now required by the commonalty, but was refused by the patricians, who still presumed on their bands of clients, and on succour from the dependent towns. By the persuasion of M. Duilius the plebs determined on a second secession, and encamped on the Sacred Mount, to which spot they transferred their government. The stubbornness of their adversaries now gave way, and Valerius and Horatius were dispatched by the patricians to negotiate. Icilius in behalf of the plebs demanded the restoration of the tribuneship and of the right of appeal; and besides this, an amnesty for the popular party, and the summary punishment of the decemvirs. The latter condition was not however insisted upon, so that all opposition from the patricians was hushed, and peace was concluded. The senate issued an ordinance that the decemvirs should lay down their office, and that consuls should be chosen, and that the chief pontiff should preside at the election of tribunes. Hereupon the seceders returned to Rome; the Capitol which the patricians had occupied was given up to them, and they marched thence in military order to the Aventine to elect their tribunes. Such is the account which Livy, Dionysius, and Dion adopt,

but in a fragment of Cicero's Republic we find some variations from it. There the army occupy at first the Sacred Mount, and peace is concluded by the first three deputies. If the names of these three deputies were recorded, the probability is that they negociated the peace, and represented the three patrician tribes. The orations of Valerius and Horatius, according to Cicero, were delivered after the fall of the decemvirate. Diodorus, whose heedlessness unfortunately has spoilt the accounts which he had before him, supports in some degree the statement of Livy.

## CHAP. XXIV.

### THE FIRST YEAR AFTER THE RESTORATION OF FREEDOM.

The election of the new tribunes was superintended by the chief pontiff; this appears at first sight an extremely strange circumstance, but it may be accounted for thus. The presence and assent of the head of the pontifical college supplied the place of the sanction of the curies, which had long since been abolished; and such a proceeding was probably requisite to repeal the law, which had been passed by the curies under the auspices of the pontiffs, abolishing the tribuneship. The first act of the new tribunes was to convoke an assembly of the plebs, by which, on the motion of L. Icilius, an act of indemnity was passed for all who had taken part in the insurrection, and thus the force of law was given to the ordinance of the senate guaranteeing the same thing. On the motion of M. Duilius, another ordinance of the patricians was confirmed, by which two patrician consuls subject to appeal were to be elected freely by the centuries to exercise the su-

preme authority. This was apparently a provisional measure, not meant as a permanent renewal of the earlier and more powerful office, and for this reason the name of 'consuls' was substituted for the older one of 'prætors,' by which the diminution of their original power was clearly implied. The new consuls were L. Valerius and M. Horatius, both evidently the free choice of the plebs, whose election the senate and the curies, however loth, could not refuse to confirm. The confidence of the people in them was not disappointed, as they immediately provided for the security of freedom by reviving old laws, and by framing new ones, from which the preliminary assent of the senate and the curies, in order that they might be submitted to the centuries, could not be withheld, in their present anxiety on account of the impeachments hanging over their order.

The first law passed by the consuls was one by which the assembly of the plebs was recognised as a branch of the legislature. Hitherto an ordinance of the plebs, even when it had received the assent of the patrician assembly, still was not a law. It was now enacted by the centuries, that an ordinance of the plebs should be held of equal force with one passed by the centuries. The assent of the patricians however was still indispensable for all bills passed by the centuries, so that it cannot have been dispensed with at present in the case of the tribes. The terms in which this law is reported by Livy must not be allowed to mislead us, as his words would imply that the ordinances of the plebs were to be binding upon all the Quirites. He is here however anticipating a measure subsequent to the Valerian law, and is led away by the state of things in his own time, when the plebs was the whole nation, and their ordinances were laws for every Roman. Conversely now, an ordinance, which had originated with the senate, might be raised into a law by the assent of the plebs on the motion of the

tribunes. Of this we find a remarkable instance at the institution of the censorship within about five years afterwards ; when, it is said, the senate proposed the measure, the patricians eagerly took it up, and the tribunes made no opposition to it. If there should be any error in this statement, there can be no doubt that in 392 an ordinance of the senate was brought down to the tribes to be passed into a law : this was twenty years before the later Publilian law. The sanction of the assembly of the tribes was perhaps preferred to that of the centuries, as the urgency of the measure did not allow of waiting for a comitial day, or of risking the chance of an interruption of the auspices. It has been commonly supposed that, in this Valerian law, the later Publilian law of 412, and the Hortensian, the principle that the ordinances of the plebs were to have the force of law was established in words substantially the same. In this case the original law must have become obsolete through criminal neglect, and required to be re-enacted. The historians however have probably caught up a hasty conception of their import, and expressed it in the terms peculiar and appropriate to one of them. The stages, by which the legislative power of the plebs attained to absolute sovereignty, were gradual. The first step was to set aside the curies, and it became sufficient to give the 'auctoritas patrum,' if the senate sent down an ordinance to the tribes, or adopted one passed by them ; this change may be ascribed to the dictator, Q. Publilius. Half a century later the veto of the senate also was abolished by the Hortensian law, and the tribes assumed the constituent authority, independent of that assembly ; a dangerous absoluteness, against which good sense struggled very long, and which was first decisively established by C. Flaminius in his tribunate. There were however still a few cases, in which, for a century after the Hortensian law, the initiative of the senate was acknowledged as indispensable.

The second law, stated to have been proposed by Valerius and Horatius, was, that any one, who should procure the election of a magistrate without appeal, should be outlawed. These general terms however must have been qualified, otherwise the appointment of a dictator would have been prohibited by them.

The third law renewed the protection of personal inviolability which the tribunes and ædiles had originally possessed, and extended it to the plebeian judges and decemvirs. It was also decreed, that copies of all ordinances of the senate should be given to the plebeian ædiles, and deposited in their archives in the temple of Ceres, as they had hitherto been frequently suppressed or falsified by the consuls. The two new tables of the laws were likewise posted up in the comitium. The great work of legislation was terminated by a tribunician law of M. Duilius, denouncing death against all who should create a magistrate without appeal or leave the plebs without tribunes.

As freedom seemed now to be secured by the establishment of these rights, the tribunes proceeded to summon the decemvirs singly before the court of the plebs. Appius might have retired into exile, but he publicly defied his adversaries by appearing in the forum with a band of young patricians. The anger of L. Virginus was kindled at this sight, and he summoned him to appear before a judge who should decide the fact, whether as prætor he had pronounced against the possession of personal freedom: in case of his refusal he threatened him with chains, as by such conduct acknowledging his guilt. There is some difficulty in understanding the nature of this summary proceeding, as to how a prosecutor could be warranted in throwing a defendant into prison by his refusing to appear before a judge, whose cognisance could only be preliminary to that of the assembly of the people. It seems that an offender taken in the act was led at once before the tribunal of the prætor, or, if he re-

sisted, was dragged to it, to hear and suffer punishment; in this case no preliminary bail was admitted. In case the prosecutor was not present, the quæstors took his place. But as the number of court days was limited, the same quæstors, if the arrest took place on any other day, committed the accused person to prison to await the day of his sentence and punishment. The Roman prison was a place of custody not of punishment; no ray of daylight entered into it, and the horror and extreme misery of confinement in it was such, that unless the guilt of the offender was certain, it would have been grossly unjust to consign him to it. In such a case the accused might tender a wager (*sponsio*), to decide which the magistrate assigned a judge out of the order capable of holding that office, and by this step he gained a right of appealing to the tribunes, if the prosecutor declined the wager. It was optional however for the tribunes to interfere. In case the judge declared the fact to be proved, the prosecutor sent the criminal to prison to prevent him withdrawing from the sentence of the people. If the defendant should refuse the wager, when the plaintiff tendered it, he was held to have confessed his guilt, and so in this case might properly be taken into custody. This previous trial, as it were, was denominated a *præjudicium*, and generally determined the event of the conclusive trial, though not necessarily so. It was in the power of the tribunes, in case the prosecutor should tender a judge, whose impartiality was not certain, to protect the defendant in his refusal to accept him. Even a patrician had the power of calling upon the tribunes to intercede, if he was prosecuted by one of their body, and to this Appius had recourse, but with no effect. His friends and clients endeavoured to prevail on the commonalty to release him from confinement, but in vain, and Appius before the day of his trial died in prison, by his own hand, as was generally supposed. His plebeian colleague, Sp. Oppius, who

had not attempted to oppose his tyranny in the case of Virginia, and had illegally scourged a Roman citizen, was also sent to prison, where he too killed himself. The other decemvirs were allowed to go into exile. The general alarm of the patricians at the prospect of further impeachments was quieted by a declaration of M. Duilius, that no further inquiry should take place. The patricians however no sooner felt secure, than they sought to revenge themselves. Both the consular armies had gained victories which entitled the consuls to demand a triumph, but the senate denied them almost unanimously that honour. The tribes were nearly induced to overstep their legal powers, and to award it against the decision of the senate. It was illegal to re-elect the consuls to office for the next year, nor would the curies have confirmed such a re-election, so that all the commonalty could do for Valerius, was to invest him with the office of quæstor at the first election in which the centuries had the disposal of it. The hereditary transmission of principles and feelings in Roman houses, as an heirloom from generation to generation is remarkable. The Sicinii, the Licinii, the Mænii, and the Publilii always appear on the side of the people, and in the same manner the Valerii were always true to the plebs whenever their rights needed protection. The Horatian house becomes extinct in history two generations after the conqueror of the Sabines. In the Valerian, after the end of the republic, we find Messalla, the worthiest man of his age; and with the Cornelian it outlived all the other patrician houses, retaining its lustre, though not indeed in the degraded Fasti, until the Roman nation expired.

## CHAP. XXV.

## CIVIL COMMOTIONS DOWN TO THE CONSTITUTION OF 311.

The re-election of the tribunes was no less anxiously wished for by the old commonalty than that of the consuls. In this case no interference from without could prevent them from carrying their point, but the firmness of M. Duilius, whose lot it was to preside at this election, in refusing to admit any vote for himself and his colleagues, compelled his fellow-citizens to give way. There were however only five candidates who obtained the requisite number of votes in the majority of the tribes, but, as it was requisite that the proceedings to be valid should be completed in one day, Duilius insisted that the tribunes already elected should nominate to the vacant places. As may easily be supposed from the mode of their election the majority of the college was entirely devoted to the patricians, to which order two of the tribunes belonged. Such is the account of Livy, which bears with it an appearance of great improbability, in the fact, that a tribune, so opposed to the wishes of his colleagues, should have been allowed to preside, and could have carried measures against their will at a time when questions were settled by the majority. The real question in dispute beyond all doubt was what share the plebeians were to have in the decemvirate, since the half of that supreme magistracy with the exclusive possession of the tribunate would have been too much. What then, if the tribunate was henceforward to represent the whole nation divided into tribes, and was to be divided between the two estates, so that five plebeians elected by the tribes

should be entrusted with the power of filling up the other five places? The two consulars Sp. Tarpeius and A. Aternius were on this supposition not the only patricians, but seem merely to have escaped oblivion from having distinguished themselves on other occasions. If such was the resolution, the decemvirate was clearly to be introduced in the form previously ordained, and the ordinance of the senate, directing that consuls were to be elected, was an infringement of the agreement between the two estates. Such might have been the case, as the election of the consuls did not take place till five days after that of the tribunes, when the patricians had secured their share in that college. The law of Trebonius in 307 was manifestly passed to recover for the plebeians the full possession of the tribunate, since all the tribunes were henceforward to be elected by the votes of the commonalty, and if the election was not concluded at sunset, it was to be valid as far as it had gone. The judicial quæstorship seems to have been left to the patricians, though the election to the office was freely decided by the centuries. Its functions would have formed a part of the decemvirate, and this regulation, if a permanent one, would imply, that the breaking up of the decemviral college had already been determined upon.

The consuls of the years 307 and 308 avoided all contests with the tribunes, but the patricians of the younger houses, which are mentioned for the last time, distinguished themselves by maltreating the commonalty. In 309 the old state of civil discord seemed to be revived, and nothing but an invasion of the Roman territory by the Æquians induced the tribunes not to stop the levies. The next year 310 brought on a crisis. Nine tribunes gave notice of a bill for electing one of the consuls from each order, and one of them, C. Canuleius, of another bill to legalise marriages between the orders. It was evident

to prudent men that marriages of disparagement were undermining the patrician order, and also that its most violent enemies were the offspring of such mixed alliances. Accordingly the Canuleian law received the assent of the patricians. From the speech made by the mover of it in the senate, it is evident that the tribunes had newly acquired the right of admission into the senate-house. Their seats during a debate were on benches before the doors, which stood open. Thus the representatives of the plebeians had access to the deliberations of the senate, but without a vote, and this was evidently connected with the regulation that the ordinances of the senate were to be deposited in the archives of the *ædiles*.

The bill respecting the consulship was compromised by an agreement that both places should be open to either order, by which it was foreseen by the patricians, that the arbitrary power of the patrician president, and the influence of his order on the centuries, would render the ordinance as far as regarded the plebs nugatory. The patricians however were not appeased by this concession in the demands of the tribunes. After the most violent measures had been discussed by them, a new compact was at last concluded between the leaders of the senate and the tribunes, in the room of the decemviral one. By this, which may be entitled the constitution of 311, the decemvirate was resolved into its three component offices, which now stood completely separate from each other. Of these the censorship and the *quæstorship* were reserved for the patricians, the former to be bestowed by the senate and the *curies*, the latter by the centuries. The military tribunate was reduced from a body of six to one of three, and thrown open indiscriminately to either order, while the plebeians retained exclusive possession of the tribunate. (Appendix B b.)

## CHAP. XXVI.

## THE CONSULAR MILITARY TRIBUNATE.

The office of supreme magistrate, when thrown open to the plebeians, was shorn of its dignity as well as of its power, since the new consular tribunes had not attached to them, as to the consuls, the curule honours. Hence we find that no consular military tribune ever celebrated a triumph even for the most brilliant victories. The most remarkable feature of this tribuneship is the variableness in the number of its members. From 311 to 323 this magistracy occurs five times, and in each case we find in the *Fasti* three names; from 329 to 349 we find eleven or twelve boards of four, and three or two of three members. In the interval from 350 to the Licinian law there are never fewer than six, but in three instances we meet with eight. In these three latter instances the names of the censors have been given amongst those of the tribunes, inasmuch, as since the censorship had been much reduced in dignity and power, the persons invested with it were reckoned among the tribunes, though not strictly belonging to their body. But during this same period the duties of the tribunate were not confined to commanding in the field. It was usual to send out two consular armies each under two military tribunes, whilst, of the two who staid at home, one filled the post of warden of the city, and the other, as commander of the reserve, stood in the place of the ancient proconsul. The prætorship of the city was still confined exclusively to the patricians, even for a whole century after the Licinian law; whilst this one place therefore was reserved to them, the other five places being exclusively military might be con-

ferred on either order. There is one year in which the tribunes in Livy's Fasti are all plebeians, but we find in the new fragments of the Fasti a patrician name amongst them, and this patrician was the prætor.

Before the number of tribunes was raised to six, this prætor must have been distinct from them: and since, whenever we meet with only four tribunes, one of them took charge of the city as prefect, as he must have exercised the prætorship of the city in its full extent, he was necessarily a patrician. Properly speaking he was no more a military tribune than the censors were afterwards, he was only a colleague of the tribunes, and the vicegerent of the censors. Whenever there were censors as well as military tribunes, as there was no need of a prætorian vicegerent, we find only three consular tribunes, before the increase of the number of tribunes to six in 350; and again, when the Fasti have four tribunes, there assuredly were no censors. This latter case could not happen before 321, when the time of the censorship was shortened by Mamercus Æmilius, by whose bill there were to be no censors for three years and a half in each lustre: had it not been for this, no colleges previous to the alteration in 350 would contain more than three tribunes.

The military tribunate, as originally instituted, was a part of the decemvirate. By the constitution of 311 the number of its members was reduced to three, who might be chosen out of either order. The patricians however had so much control over the elections as to exclude generally the plebeians. The senate could always decide whether consuls or tribunes were to be appointed; it preferred the former, because in their case votes for a plebeian might be peremptorily rejected; when however it was forced to admit the latter, after the Æmilian law, if there were no censors, it nominated a patrician to be warden of the city. The year 350 is the commencement of a totally different magistracy under the same name. The prætor-

ship was now separated from the censorship and united with the tribunate, though still reserved to the patricians: the other five places were open to both orders indiscriminately. Of these five one always commanded the reserve, whenever there was occasion to assemble it. Were we to believe the statement of Livy, which speaks of the prerogative tribe, the election was at the same time transferred from the centuries to the tribes. But whatever may have been the change, it must have been applied to the election of censors likewise, who at this time were held to be colleagues of the tribunes, and if it be true that a Trebonius was elected censor in 376, there needs no proof that he cannot have been appointed by the curies.

## CHAP. XXVII.

### THE CENSORSHIP.

The election of censors was vested by the constitution of 311 in the curies, subject to the confirmation of the centuries. Hence arose the strange anomaly in after-times, that at the election of these officers the latter assembly voted twice over, its confirmatory voice being still retained as an unimportant formality, after the election had been transferred from the patricians to the centuries. The regulation that the censors were to be appointed by the curies was the same with that by which, since the compact of 272, the higher place in the consulship had been exclusively reserved to the patricians. When however in 350 the prætorship was severed from this office, it was of much less moment to the patricians to maintain their right of conferring the censorship, so long as they had the power of rejecting the candidates amongst the military tribunes, the colleagues of the censors.

The functions of the censorship were originally, the administering the property and the revenues of the republic, the registering the citizens according to their orders, and the keeping the land-tax rolls. Livy, who was not aware that the censor's functions included those of the prætors, was fully justified in saying that the office originally in itself was insignificant, when the revenues from the public lands consisted merely of agistment at the utmost, nor is he less correct in anticipating its probable importance in the hands of men of eminence, who would be enabled by it to determine the rank of the citizens, and the valuation of taxable property, at their pleasure. The censors were empowered to enrol members in the senate, the equestrian order, and the tribes, and on the other hand to exclude such as were unworthy. In ancient days a person who had been struck out of the roll of his tribe took his place among the ærarians, or in the register of the Cærites, but when a distinction was made in later times between the tribes of higher and lower rank, he may merely have gone down into a less respectable one. The censorian brand was affixed to an individual, not merely in execution of the sentence of a court of law, a '*judicium turpe*,' by which the punishment of civil degradation was inflicted on the offender, but in cases where the censors acted on their private conviction of a man's unworthiness. In the former case they could not restore the offender to his civil rank even with their united voice; in the latter the colleague, or the successor of the censor, who had imposed the brand, might remove it. If a plebeian renounced his calling as a husbandman, and betook himself to a handicraft trade, it was the censor's duty to strike him out of the roll, and, on the same ground, if an ærarian chose the station of a countryman, it was but fair that he should be registered in the tribe in the region of which he had bought land. The absoluteness of the censorian power was displayed in its most glaring co-

lours, when Appius Claudius placed every one indiscriminately in one or other of the tribes, but it was limited to the enlarging or retrenching the rights of a Roman citizen; the censors could not bestow or take away the franchise itself. When we read of their admitting foreigners to be assessed, it was by virtue of a privilege conferred by the Roman people, [and they could not degrade an ærarian lower. When we are told that they added new tribes, all that is meant is that the law for erecting the new tribes was proposed to the people by them. Scarcely any measure had so much influence on the condition of the republic as the institution of new tribes, and the admission of foreign communities to the complete franchise. This can never have been left to the discretion of the censors, as it was so strictly deemed an act of sovereign power, that the tribunes in the sixth century would not so much as allow the senate the right of proposing that the full franchise should be granted to some municipal towns.

When the patricians became members of the general tribes, they were liable to the disgrace of being struck out of them, and the ærarians formed now a body contradistinguished from the citizens. Over the patrician equestrian order however the censors had no power, beyond that of granting or resuming the horse provided by the state, but with respect to the corresponding plebeian order, they could supply vacancies or purge it of unworthy members. As far as the senate was concerned, the censors can scarcely have had the power of excluding any from it except they had incurred legal infamy, it must however have been their duty to complete its numbers with the best men of each cury.

The administration of the public revenues was from the first fully entrusted to the censors. The regulation of tolls and excise duties, the farming of the customs and similar branches of the revenue, as well as

the contracts for the public works, were committed to them, though the senate had a moderating power. The land-tax, being fixed in money, was not farmed, but was raised by the tribunes of the *ærarium*, unless it was levied to pay the army, when the soldiers demanded it directly from the persons charged with it, as the knights did their horse money. Whether a tribute was to be imposed, and to what amount, the scale of this tax being according to every 1000 ases in the census, was always decided by the senate alone. The *comitia* might refuse to declare war; but when they had resolved on the end, the government was authorised to raise the means of accomplishing it, money and men. Even in the most advanced stage of the democracy, the people never claimed the right of granting taxes. The tribunician veto against the land-tax was down to the Gallic war no more than a demand that the first order should contribute fairly for its possessions in the public lands: in later times, when the republic was seeking to impose a property tax on land, the whole produce of which was to go to the creditor, the tribunes by their veto declared that the usurers should not be allowed to enforce their claims, and drove the senate either to make some equitable adjustment in favour of the ruined land-owners, or to levy a property tax from the monied men.

The regulation of the property tax was left by the senate entirely to the discretion of the censors, and from their edicts, by which some individuals were taxed at a rate many times higher than the usual one, and from the *decuple* valuation of slaves, it is clear that the real amount of property differed from the sum at which it was rated for the purpose of taxation in the Roman census as well as under the Athenian financial system, though in quite another manner. At Athens a citizen's whole estate was valued; but only a part of it, which part was smaller in the case of the

poorer classes, was separated from the rest as taxable, and for this part an uniform rate was paid: at Rome, on the contrary, a very large part of many estates, being only possessions, were not taken into account, and even many sorts of property were excepted, while certain kinds of property were assessed at several times their estimated value, and even rated at more than the ordinary standard: no favour was shown to persons of small property, if it came up to the limit where taxation began. (Appendix C c.)

The financial calculations and the keeping the registers was the business of notaries, who were freedmen and formed a company: the mere writing was probably performed by public slaves. It is highly probable that all confusion in registering the transfers of estates was obviated by the restriction, that they could not be transferred to new owners except in parcels bearing a direct proportion to the whole, measured by the duodecimal scale. The practice of alienating such proportional parts of an estate has continued in some parts of Italy to the present day, and the modern measure of land, the 'pezza,' in the neighbourhood of Rome and in Latium, is the ancient juger. The 'rubbio' of seven pezze is the plebeian ploughland of seven jugers. This word is derived from 'rubrum,' the title of the state-terrier, in which no one could be registered as a proprietor, unless his name should be found in the roll of the citizens; and the business of witnesses at sales was to identify the purchaser as the person whose name was entered in the roll of the citizens. Hence when a citizen incurred the extreme 'diminutio capitis,' his name was expunged from the 'rubrum;' if he went into exile, and was outlawed, his land became forfeit to the state; if he left the country for any other cause, the land was left open and might be taken possession of by a stranger, who might acquire the ownership by usucaption. Hence it was usual for the owner before he

left the country to convey it either really or nominally to another person from whom the state might demand the land-tax: if he had a son under his power, that son as his representative stepped into his place, just as if it had been vacated by death. In later times no Roman had the right of removing to foreign parts, unless he left children behind him.

## CHAP. XXVIII.

### CIVIL AFFAIRS FROM THE YEAR 311 DOWN TO THE LAST VEIENTINE WAR.

By having the arbitrary power of fixing the value of every man's taxable property, and the exclusive management of the register of the citizens, the ruling order was enabled to pack the centuries in such a manner as for the most part decided the event of proceedings at their assemblies. It is true that the tribunes could protect those whom the censors had rated too low, and have them transferred into a superior class, but they could not enquire into the false qualifications of those who were rated too high. Nor did this increased assessment entail any disadvantage on the friends of the ruling order, since, if they were liable to military service, the consuls might pass them over in the levies which they regulated at their discretion, and if a tax was ever laid on, the quæstors might omit them when they collected it. It might thus easily have happened, that none but patricians should be elected to the first military tribunate, without the plebs deserving the reproach that it had childishly disturbed the peace of the republic from idle vanity: but the commonalty is not chargeable even with the semblance of such folly, for one of the

three first tribunes, L. Atilius Longus, was unquestionably a plebeian. It was for this very reason that the senate forced them to resign in the third month of their office, under the pretext of a decree of the augurs declaring their installation defective. Their functions devolved without a new election upon the censors L. Papirius and L. Sempronius. The circumstance that these two magistrates concluded a treaty with the Ardeates has induced Macer to place them in the list of consuls, although no such officers are found in the old annals for this year. The people did not suffer the removal of the military tribunes to pass away quietly; these officers most probably with the support of the tribunes of the people refused to submit to the hypocritical declaration of the augurs, and T. Quinctius was in consequence armed with dictatorial power. If there be any foundation in the story which we find in Valerius Maximus and in Dion, that nine tribunes of the people were once actually burnt alive, as the opponents of the consul Sicinius had been previously, this is the only period of time at which so surprising an event can possibly have happened. We must then suppose that one of the tribunes, P. Mucius, aided in the execution of a sentence pronounced by the curies on his nine colleagues, for having obstructed the election of other magistrates to fill the vacant places of the consular tribunes, whose election had been declared informal: none but a person who was himself inviolable could lay hands on the inviolable tribunes. In this light the story appears very plausible, but, on the other hand, there are considerations of such weight, which induce us to regard the whole story as one and the same with that of the execution of the nine patricians in 267, that it is scarcely possible to decide with full conviction between the two opinions. The same names and the same numbers are found in both stories; and this inversion of the

parts is merely an instance of the caprice so common in tradition.

For five years successively after this consuls were created. We might suppose from an expression of Livy that the patricians carried their point, not merely by their influence in the centuries, but by an usurpation on the part of the curies. In the year 315 a dreadful scarcity had prevailed from the general failure of the crops, and L. Minucius was created prefect of the corn market, an extraordinary magistracy, whose province it was to buy up corn and regulate its sale out of the public magazines. The supply was scanty, and the price, at which it was sold to the citizens, by no means moderate. In the midst of this distress, Sp. Mælius, the richest of the plebeian knights, by his energy and address achieved what the government had failed in, and having procured large supplies of corn from Etruria, distributed it to the poor at a moderate price, and to the indigent gratis. His bounty won the hearts of the poor, along with the favour of the more affluent plebeians. The patricians became alarmed at his growing popularity, and early in the next year, on the information of L. Minucius, that clandestine meetings had been held in his house and arms collected there, appointed L. Cincinnatus dictator, who immediately with an armed train set up his tribunal in the forum. Before this the master of the horse, C. Servilius Ahala, proceeded to summon Mælius, who with the rest of the citizens had come down into the forum; the latter seeing death before his eyes snatched up a knife, and ran into the crowd for protection, but Ahala, sword in hand, and accompanied by an armed band of young patricians, forced his way through the people and slew the defenceless Mælius. So summary a proceeding is certain evidence that no legal ground for a verdict of condemnation existed against him, as the dictator could bar the

intercession of the tribunes, and the centuries before whom he would have been tried, were, as is shown by the elections at this period, entirely under the influence of the patricians, and would no doubt have condemned him, had he been guilty of high treason, as the rhetorical fictions of some historians imply. His appearing in the forum unarmed, after a dictator had been appointed, and the fact that none of his pretended accomplices were punished, can only be accounted for on this supposition. He may certainly have had in view the recovery of one of the places in the consulship for the plebeians, but, for the patricians to call this a crime, is but another instance of the wolf complaining that his brook is troubled. The house of Mælius was pulled down, and its vacant site seemed to later ages a confirmation of his guilt. The contemporaries of Mælius however judged otherwise, for Ahala was accused of murder before the people, and only escaped condemnation by voluntary exile. An insurrection broke out when the terrors of the dictatorship were removed, and according to some of the annals the ferment was allayed only by L. Minucius passing over to the plebs, and being elected one of the tribunes, probably to fill up a vacancy in the college. During his magistracy he reduced the price of corn, and fixed the maximum at an 'as' a modius. Most probably the engrossers of corn were compelled to bring their stores into the market, and the prospect of an abundant harvest contributed to the fall of prices. This fact has been distorted, and Minucius is made to sell the stores left by Mælius: this however could never have been regarded as an act of beneficence, nor for such conduct would the plebs have rewarded him as its preserver in time of need with a gilt ox, and a statue outside the Porta Trigemina.

The indignation of the commonalty was vehement enough to extort the election of military tribunes in 317, although the influence of the patricians prevailed against all the plebeian candidates. The first place

however was assigned to Mam. Æmilius, who stood very high in the affections and confidence of the people. He was frequently appointed dictator subsequently to this, and in the year 321, in his first dictatorship, he shortened the duration of the censorship from five years to eighteen months. Throughout the remaining years of this lustre military tribunes were chosen; then followed five consulships, till the year 329, during which the prætor's authority rested with the consuls. After this period we have colleges of military tribunes, to which, when there were no censors, a prætor was joined; these were only twice interrupted by consulships during the first thirteen years, by special ordinances of the senate. Prior however to the change in the constitution in 350, we find but one plebeian military tribune, Q. Antonius Merenda, in 333: his election was evidently permitted by the senate as a compromise with the plebeians, for the withdrawal of an impeachment against C. Sempronius, one of the consuls of the preceding year. Not only were the senate able to exclude plebeian candidates by the refusal of the magistrate, who presided at the election, to take votes for them, but, at this time, the confirmation of the curies was not an empty form, and might be withheld. The plebs however made gradual advances in securing and enlarging their rights. In 324, the aid of the tribunes of the people was invoked by the senate against the consuls. In 325, a fixed and low valuation of the head of cattle, in which fines were imposed, was settled by a consular law, to the great delight of the plebs, and both parties seemed inclined to cultivate an amicable feeling, and to rise above the paltry interests of their several orders to higher views of government and general representation. In 328, another great step was made in obtaining the recognition of one of the great fundamental principles of the constitution, as laid down by Servius, when the tribunes prevailed on the senate to bring the question of war against Veii before the

centuries: henceforth, till that period of desperate wretchedness which preceded the Licinian laws, the tribunes no longer obstruct the levies. During a course of thirteen years after 329, the senate only succeeded twice in forcing consuls on the people. The first time was in 331, when it was proposed by the tribunes, that the provisions of the agrarian law should be put into effect, as the public domains must latterly have received great additions since the victory of the dictator, A. Tubertus, in 324. By this bill it was proposed that a 'vectigal' should be levied on the 'possessors' of the old domain for the payment of the troops, and that a part of the newly conquered lands should be divided amongst the plebeians. The former part of the bill was probably given up, as it formed part of the agrarian law of Metilius in 354, which was carried through successfully. That the payment of the vectigal however was an obligation already in existence but eluded, and that it was legally re-established in 331, though not then insisted upon, may be inferred from the agrarian commotions in the second of the above mentioned consulships, in 334.

The quæstores classici from their name must have been elected ever since the time of Publicola by the centuries, whereas the quæstors of blood down to the decemvirate were appointed by the curies. It was proposed by the consuls in 334, that the number of the former should be increased from two to four, as, by the reestablishment of the tenth and the introduction of pay for the troops, the business of the treasury was much increased. The tribunes however refused to move for the assent of the commonalty to the new bill, unless the newly created places were secured to the plebeians, as it was of the greatest importance to them that the new tax should be levied fairly upon both orders. Hence the patricians withdrew the measure; the tribunes however, on the other hand, renewed it of themselves, and at last the matter was compromised

by all the places being thrown open to either order indiscriminately. Although the plebs gained nothing at the moment, they relied on the sure operation of time, and were not disappointed, for eleven years afterwards, in 346, the election of three plebeian quæstors was carried.

When Sylla increased the number of quæstors, his object was to fill up the vacancies in the senate, where a person after serving the office of quæstor took his seat by right, unless he was excluded as unworthy by the next censors. This must have been an extremely old regulation, and without doubt the plebeian quæstors were admitted into the senate from the very first, and we may thus account for the mention of a plebeian senator nine years after this time, on the supposition that he had earned his rank through his quæstorship.

Henceforth every army was accompanied by a quæstor, who superintended the sale of the booty, which was either distributed amongst the legions, or lodged in the 'ærarium,' the common treasury of the state, and no longer in the 'publicum,' the chest of the patricians. As no pay was yet given, though the service in the field had been lengthened, the legions were the more determined in claiming their due share of the booty, and in 341, when the consular tribune, M. Postumius, broke his word to them respecting the plunder of Bolæ, in their exasperation they put him to death. This however was not the only wrong that roused their fury; they could not endure that the land they had conquered with their unpaid services should belong to the patricians. In 312, when a colony was sent to Ardea, the plebeians had been entirely passed over. In 337, however, a small assignment of land was made for the benefit of the plebeians at Lavici, but this was a poor compensation, as they had received no share either in the territory of Fidenæ, or in the lands conquered from the Æquians. Hence in 338,

and 339, two of the tribunes brought forward a comprehensive agrarian law, but the patricians gained over the majority in the college, and defeated the measure, which was perhaps an unreasonable one. The next year the patricians had still more adherents in the college. Bolæ being taken in the next campaign of 341, L. Sextius, one of the tribunes, insisted on allotments in its territory being assigned to the legion that had conquered it, and at the same time on the general execution of the agrarian laws. The army was detained in the field, and its general Postumius was summoned to Rome, as his colleagues were perhaps too lukewarm in their opposition to the bill. A threatening expression against his own troops, which he had used in the city, found its way to the camp, and incensed the soldiers so much, that, when Postumius attempted to quell a tumult, which had arisen about the booty, by measures of great severity, they fell upon him and stoned him to death. This outrage proved advantageous to the oligarchy, who were enabled thereby to carry the election of consuls, and to retain the territory of Bolæ. The next five years, during which the republic was governed by consuls, passed away in commotions upon the agrarian question. In 346, however, the election of plebeian quæstors could no longer be prevented, and, in 347, the patricians found themselves compelled to permit the election of consular tribunes. Four years afterwards this office was remodelled, so that the number of the college was increased to six, the prætorship incorporated with it, and the censorship deprived of its previous pre-eminence and united to it. The election of the censors was no longer left to the curies, and this sacrifice of valuable privileges for the sake of concord shows, that the senate no longer considered itself as the representative of a particular faction, but as the common government of the republic at large. The probability likewise of a renewal of hostilities

against Veii, the truce with that city having expired, opened unbounded prospects, if Veii should fall, but the plebeians were resolved to fight the battles of the state not as mere bondmen, but as citizens who should share their fruits, and probably, before the declaration of war against Veii, the tribunes stipulated for the redress of pressing grievances. An important change in the tribunate of the people took place about this time; hitherto a plurality of votes had always been decisive in the college, but, in the years 360, and 361, we find the interposition of one or two tribunes sufficient to stop a bill. It is not improbable that the senate may have stipulated for this change in return for its concessions, one of which was an ordinance, that the infantry like the cavalry should receive regular pay. As this was meant to be mainly raised out of the tithe, the levying of the 'vectigal' could not possibly be eluded much longer.

## CHAP. XXIX.

### ON THE PAY OF THE TROOPS.

The Veientine war was not the first occasion of giving pay to the troops, as the *æerarians* must undoubtedly have always continued to pay pensions to the infantry; but, in early times, the number of persons receiving pay must have been limited by that of the persons liable to the charge. The change now made was, that every legionary became entitled to receive pay, and the deficiency was made up from the produce of the tithe, and the supplementary tribute. We know from Polybius, that the daily pay of a legionary was two obols, equal to three ases and a half, the drachma being considered equivalent to the denary of ten ases. (App. D d.) In thirty days this would amount to 100

ases, which was the *εσφορά* of ten drachms that was levied by the last Tarquinius. The knights' yearly pay of 2000 ases, if divided according to the year of ten months, gives us 200 ases a month, just double the pay of a foot soldier. The triple pay of the knights, introduced in 354, was undoubtedly a compensation for their serving with their own horses. The gradations of 300, 200, 100 ases, in the three classes of the 'spolia opima' refer to the shares of the general, the cavalry, and the infantry. The changes made in the property tax by Camillus and Albinus, the censors of 342, in taxing bachelors and orphans, were occasioned by the introduction of pay for the whole of the army. The tribute at first pressed heavily on the plebs, as the lowest class only was benefited by it. Hence, in 364, the tribunes forbade the levying of it, and brought forward an agrarian law, which perhaps contained provisions for securing the regular payment of the tithe. This was probably carried into effect, if we may argue from the cessation of vetos till the period just preceding the Licinian laws.

## CHAP. XXX.

### THE WARS DOWN TO THE LAST WITH VEII.

The campaigns during this period begin to assume a character of much greater importance, though the accounts of them are still so suspicious that we must content ourselves with a general outline of them. The victory of M. Horatius, in 306, over the Sabines seems to have been decisive of the fate of that nation, as all mention of war between them and the Romans ceases for the next century and a half. They became most united probably with the Romans by a common franchise, and the excess of the census of 364 by 35,200

heads above that of 295 may have been caused by the accession of Sabine isopolites. The cause that inclined them to peace, seems to have been that the nation was exhausting itself in emigration, the tide of which, unable to extend itself westward, was now setting southward into Lucania. In the same year the Æquians were defeated on mount Algidus, nor did they renew their depredations till the third year afterwards, in 309, when a marauding party advanced to the Esquiline gate. The legions however were soon drawn out, and the campaign was victoriously closed on the third day. In the same year a dispute arose between the people of Ardea and Aricia about the vacant territory of Corioli, and the Romans were appointed arbiters. They adjudged it to themselves, probably on the ground that, as Latium was dissolved, Rome stepped into its rights, and might therefore incorporate the territory of any of its towns, which had been destroyed, with its own. This decision has been ascribed by ignorance and prejudice to the plebs, though the concilium of the populus, the only body that we should expect to act in such a case, is expressly mentioned. In 311 an alliance was concluded with the Rutulians of Ardea, brought about probably by the ruling party there, as in the next year affairs came to a secession and to an open feud with the commonalty at Ardea. A Roman army was thereupon sent under M. Geganius to the relief of the burgesses, whom the commonalty with the assistance of Clælius, an Æquian general, had besieged in the city. The siege was raised and the beleaguering army laid down their arms. The burgesses however were so weakened that they were glad to recruit their exhausted population by foreign settlers, and a colony appears to have been sent from Rome, not to form the populus as in the Romulian colonies, but only as a new tribe. The community thus composed, to which perhaps some Aricians were added, might afterwards

be reckoned among the Latin colonies, in the number of which we find Ardea in the sixth century.

The expedition of Clælius does not appear to have interrupted the peace between the two states, which was very desirable to the Romans during their war with Veii; it lasted till 324. In that year the Æquians and Volscians encamped with a most formidable army on mount Algidus. M. Postumius Tubertus was thereupon appointed dictator, and a full muster of the classes was made, in addition to which the city legions were enrolled by one of the consuls, and an army of reserve was stationed outside the walls, under the command of the master of the horse. After various skirmishes, and mutual attempts to surprise each other's camp, the intrenchments of the allied armies were stormed in the rear, on the 18th June, by the dictator with the main body of the troops, and at the same moment the consul sallied forth in front to support him. The defeat of the enemy was decisive, and the Æquians resolved to sue for peace. A truce with them was concluded for eight years. The Volscians however were divided between two parties, but it is probable that the peace-party attained its end, as the whole of the eastern frontier remained tranquil during this period. This was most desirable for Rome under the dreadful pressure of epidemic sicknesses during the first half of it, and during the latter, having full employment in the war with Veii. This war had been occasioned by the revolt of Fidenæ in 317. We read so often of attempts of this nature made by the Fidenates, that the annalists seem to have repeated the same story over and over again, to fill up the blank in the chronicles of the kings. The Fidenates formed an alliance with the Veientes and Faliscans. They were however reduced again to subjection in 320 by the dictator A. Servilius Priscus, and the authors of the rebellion were put to death. The Faliscans were enabled by their distance from Rome to retire from

the contest, when they pleased, without fear of retaliation. The Veientes probably concluded a short truce, as we find them again in the field in 327. After the defeat brought on by the variance of the consular tribunes before Veii, in 329, the Fidenates again revolted, and massacred the new settlers who had been sent there from Rome. The envoys despatched by the Romans to Fidenæ were likewise put to death, at the instigation of Lar Tolumnius, king of Veii, who wished to preclude the possibility of a reconciliation between the Fidenates and the Romans. For this foul outrage he was doomed to fall by the hand of A. Cornelius Cossus, the master of the horse, who was likewise one of the consular tribunes. Fidenæ was rased to the ground, and the inhabitants who survived the massacre were sold as slaves.

The victory over Veii could not yet be followed up to a decisive issue, and the Romans were glad to make a truce for twenty cyclic years: they likewise renewed that with the Æquians for three years. The Volscians however took the field singly, in the year 332, against Rome, with a numerous and well-disciplined army: the war had unquestionably been provoked by the Romans, and was carried on languidly and carelessly by the consul C. Sempronius Atratinus. An engagement ensued, which lasted till nightfall, when both parties considered themselves defeated, and abandoned their camps. A large body of Roman knights, who had forced their way through the enemy, unsupported by the rest of the Roman army, were left behind, and were generally believed at Rome to have been destroyed. They returned however in safety, and in the general indignation, a cry of treachery was raised against the consul, as these decuries of knights, who had been abandoned, were plebeians; it was only by their earnest entreaties that the people were prevailed upon not to condemn him. In 336 the Æquians in conjunction with the Lavicans laid siege to Tus-

culum, and war was declared against them in the next year. In the first engagement, owing to the discord of the consular tribunes, the Romans were defeated, but when the vanquished troops were joined by the reserve headed by the dictator, Q. Servilius, the conquerors met with a far more severe reverse. Lavici was taken by storm, and is no more heard of in history.

Three years afterwards, in 340, Bolæ was taken after an obstinate contest, and its capture led to a crime which stands alone in Roman history down to the time of Sylla, the murder of the military tribune, M. Postumius.

From this time forward the power of the Volscians and Æquians is visibly on the decline. The rapid extension of the conquests of the Samnites, who were every where dislodging the Ausonian tribes, prevented these two nations from employing more than a portion of their forces in defending the territory they had formerly won. Ferentinum was wrested from them in 347, and restored to the Hernicans, and, in 349, three separate armies of the Romans advanced in concert into the Volscian territory against Antium, Ecetra, and Anxur. By the capture of the latter town the old boundary of the dominion of the kings over Latium along the coast was restored. The two former towns however still maintained their independence, and merely resumed after this campaign their municipal relation to Rome. Velitræ also, to which a colony was sent two years afterwards, seems to have acknowledged the supremacy of Rome, as well as some other places, and, among the rest, Satricum.

## CHAP. XXXI.

## THE LAST WAR WITH VEII.

At the expiration of the truce with Veii, the Romans demanded satisfaction for the crime of Tolumnius. The Veientes were afraid of war and for obvious reasons. Seventy years before, it was only with the aid of succours from the whole of Etruria that they had carried it on with success against the single strength of Rome itself, but at present affairs were changed. The confederates of Rome were now at liberty to send their contingent of troops to her assistance, whilst at more than one congress at the temple of Voltumna the Etruscans refused to send any aid to Veii. It is evident that some unavoidable necessity constrained them to rely on the hope that Veii could not be overpowered. The vicinity of their new and formidable neighbours, the Gauls, before whom Melpum, the chief city of the Etruscans to the north of the Po, fell at this very time, most probably compelled them to abandon the strong outpost of their nation on the Roman frontier in their alarm at a more vital danger from the advance of the barbarians. The Veientes, whose number was probably very limited, ruled over a nation of subjects and serfs, the remains of the old Sicilian population, and hence were, and felt themselves, unable to face the Romans in the field. Their city was four miles in circuit, but its population may have fallen as far short of its size as that of Megalopolis did. Its walls however might defy the rude assaults of a levy that only came into the field for a few days, with as much provision as each soldier could carry from home with him; and when this army was disbanded, the Etruscans might retaliate severely by a sudden inroad

into the Roman territory. Hence arose the necessity that a force should be held in readiness to prevent such incursions, which, at the same time, by remaining constantly in the field, might force Veii to surrender from famine. But it was necessary for this purpose, that the practice of giving the troops pay should be revived, a measure leading inevitably to the abolition of that exemption from taxes, which the patricians had usurped. The senate, either from more enlarged views of government, or from a remote prospect of self-interest, acceded to this proposal, and accordingly pay was decreed in 349: the patrician contributions amounted to considerable sums, so that a property tax was merely wanted to make up the deficiency; and war was declared in the following year.

In consequence of these ordinances, a Roman force was kept on foot, strong enough to make the Veientes suffer all the miseries of war, and to disable them from retaliation. The story of the city being invested for ten whole years, without intermission, belongs to the poetical tale. It seems most probable that the Romans built forts like that on the Cremera, in the territory of Veii, which made the cultivation of the fields almost impossible, and the passage of supplies very difficult. These castles were strong enough to resist any sudden assault and might easily be relieved by a general levy from Rome. Like Declea they were constructed under the protection of an army, and probably in the first campaign, in 250. This and the next seem to have passed away like the earlier ones of the Peloponnesians in Attica, but in the third campaign, in 252, as none of the neighbouring states came to the aid of the Veientes, the siege of the city was commenced. A mound was raised, and a gallery, under shelter of which the battering rams were to play, had been almost carried up to the walls, when the project was baffled by a sally, in which the besiegers were routed and their works totally destroyed. Encouraged

by this unexpected change of fortune, the Capenates and the Faliscans determined to send succours to the Veientes. The citizens at Rome displayed no less zeal in their preparations to repair the loss; the knights to whom no horses could be assigned by the state, offered to serve with their own, and the campaign of 353 was opened with a powerful army. The hopes of the Romans however were foiled by the dissension of their generals. Two camps were pitched before Veii; the smaller one, under the command of M. Sergius, was attacked by the troops of the allies and by a sally from the town at the same time, but L. Virginius who commanded in the greater camp refused to send succours, because he had received no application from his colleague. Thus the smaller camp was carried by the enemy, and the larger one, in consequence, was obliged to be evacuated. In the next year 354, the position before the city was re-occupied and the works renewed. Camillus, who appears for the first time in this campaign, retaliated upon the Capenates and Faliscans, by ravaging their territories up to the very walls of their cities. Two years afterwards, in 356, the two allied states again sent aid to Veii, but with a directly opposite result from that of their former attempt, as they were defeated, and the troops of the Veientes, who sallied forth from the town, were totally cut off. The next year passed away without any action before Veii; on the other hand, Capena and the Faliscans were visited with fresh ravages. In 358, the Tarquinians made an inroad into the Roman territory to relieve the Veientes, but they did not come off with impunity. The campaign of 359 began unpropitiously for the Romans as both their armies met with severe reverses in the territory of the Capenates and the Faliscans. In the alarm attendant on this, Camillus was declared dictator. (Appendix E.e.) He assembled immediately the whole military force of Rome with the Latin and Hernican auxiliaries, and led

them first against the allied armies of the Capenates and Faliscans, whom he defeated decisively, and then proceeded to invest Veii more closely than ever.

Thus far we have the simple narrative of the war as it was given by the annalists: their account of the capture of the city has been supplanted by a poetical story belonging to the lay or legend of Camillus, in which Veii is the Roman Ilium, and the fate of the city is connected with prodigies and the direct intervention of the gods. We proceed henceforth to tread no longer on historical, but on poetical ground. An unexampled swelling of the Alban lake had combined with other prodigies to terrify the Romans. As, under the circumstances of the war, Etruscan aruspexes might give a deceitful answer, the senate resolved to send an embassy to the Pythian oracle. In the meantime an Etruscan soothsayer had been seized by the Romans, in consequence of some ambiguous scoffs, which destiny had compelled him to utter, at the efforts of the besiegers. He was forced by threats to speak the truth, and disclosed to them, that so long as the lake continued overflowing, Veii could not be taken, and that, if the waters were to reach the sea, Rome would perish. The answer of the ambassadors on their return from Delphi was to the same effect; whereupon a tunnel was commenced, that the water might be drawn off into the fields. The Veientines having heard of this, sent envoys to Rome to beg for peace, but in vain, although the Romans were warned by them, that, as certainly as Veii was doomed to perish, so surely did the same oracles foretel that soon after the fall of Veii Rome would be taken by the Gauls. Camillus in the meantime without being suspected by the enemy was preparing to enter the city by a mine. When all was ready, notice was sent to Rome, for all who wished to partake of the booty to proceed to the camp. After sundry vows and prayers, Camillus led the way through the mine, whilst the attention of the besieged was dis-

tracted by an assault of their walls from without. The Romans burst forth into the temple of Juno, at the moment when a victim was being sacrificed to the goddess, which was destined to bring victory to him who should offer it up. Camillus seized the victim, and sacrificed it. His followers opened the gates to the assailants, and the city soon yielded to their arms. The spoil was immense far beyond the expectations of the conquerors. The statue of Juno, the tutelary goddess of the city, was removed to Rome with her own consent, as intimated by her voice. To her Camillus offered up his prayers, that the envy of the gods might turn upon his own head rather than upon his country; the pride, however, and the pomp of his triumph, provoked the anger of the deities, and this arrogance he expiated by his sentence of condemnation, Rome by her destruction. Such is the poetical tradition.

With regard to the Alban lake, some remarks will be made lower down from a historical point of view. The impossibility of the tunnel being completed in so short a period is unquestionable. The harmony between the Delphian oracle and the Etruscan soothsayer was effected, if at all, by a fabrication of the senate which would give a religious sanction to so difficult and expensive an undertaking. The anger of Juno is the keystone in the legend of Veii, as in that of Ilium. She was the goddess of the conquered Sicilians, and would not dwell with foreigners; she longed to remove to the Aventine, where the offspring of her ancient Tyrrhenians were settled. The siege of both towns lasted ten years, and the mine filled with armed men answers to the horse of Epeus. As to the historical fact of Veii having been taken by a mine, the soft tufa of that district would admit of it, but it was probably a mine, by which a part of the walls was overthrown, and not an entrance cut into the heart of the city. Of such a mine as the latter we scarcely

find one authentic instance, but the former kind were very usual in sieges.

The proud triumph of Camillus may perhaps wholly belong to the poem; the discrepancies however and difficulties in the account of the offering of the Delphic temple had probably no other source than the annals. The dictator had vowed a tenth of the spoil to the Pythian Apollo, and the pontiffs declared that the obligation must be discharged by all who had shared in it; nor was this divulged, till most of it had been spent, so that the compensation for it was felt to be no less a burthen than a tax. The resentment of every one was directed against the general, for having kept silence about his vow so long, as it had the appearance of intentional malice towards the people. It was resolved that a golden bowl should be made equal in value to this tenth, and for this object the women gave up their ornaments and jewels, as the quantity of the precious metal in the treasury was deficient. For this meritorious act they were rewarded by the senate with the privilege of riding through the city in carriages. The trireme that conveyed this offering to Delphi was seized by some Liparæan cruisers, who probably mistook it for one of the piratical vessels of the Tyrrhenians which infected those seas so much at that time, that two years afterwards Dionysius fitted out an expedition against them. On the discovery of their sacred mission, the envoys were not only released but escorted to their destination. The senate in gratitude to the chief magistrate of Lipara granted him the privileges of a *πρωξενος*. The stand of this offering with an inscription on it remained at Delphi long after the bowl had been melted down. The whole tenth most probably was not dedicated to the Greek god, since the charge of building the temple of Juno on the Aventine was defrayed from the same spoils.

## CHAP. XXXII.

THE OTHER WARS DOWN TO THAT WITH THE  
GAULS.

In the second campaign against Veii, a town called Artena was taken by the Romans; it most probably belonged to the Veientes, as no mention is made during the whole remainder of the war with them of any hostilities against the Volscians and Æquians. The loss of Anxur in 353 was owing to an isolated outbreaking of the inhabitants: it was recaptured two years afterwards by the Romans, and it seems that peace with the rest of the nation was still subsisting undisturbed. No sooner had Veii fallen, than the senate ordained an assignment of land to 3000 colonists in the territory conquered from the Æquians. This was the cause, why the Æquians took up arms in the next year, 361. The campaigns of that and the following year were decidedly in favour of the Æquians, and the colony that gave rise to the war was destroyed by the taking of Vitellia. In the next campaign however the Romans took two towns of the Æquians, and the war seems to have ceased a year before the arrival of the Gauls.

In the year after the fall of Veii, the conquerors proceeded to wreak their vengeance on the towns, whose assistance to Veii had helped to prolong the war. Capena sued for peace in 360, and henceforth disappears from history, having been either at this time reduced to a state of subjection, or else swept away shortly after in the Gallic invasion. The territory of the Faliscans was next the scene of operations in 361, and their city soon submitted to Camillus. The nar-

native that the Faliscans, overcome by the generosity of Camillus in restoring to them the children of their noblest families, who had been betrayed to him, surrendered to the Romans unconditionally and gave up their arms and hostages, is taken from the poetical story; although no doubt some incident that occurred in this war supplied the groundwork of it. We soon find the Romans in possession of Sutrium and Nepete, which henceforth formed the border fortresses on their frontier towards Etruria. Sutrium probably fell in 361, after the conclusion of the peace with the Faliscans. It was the conquest of this town that seems to have provoked the people of Vulsinii to take up arms in 363. This war was decided in the next year by a most decisive victory in favour of the Romans.

This was in other respects a most disastrous period for the Etruscans. Dionysius of Syracuse, under plea of punishing the piracies of the Tyrrhenians, had sailed with a fleet of 60 galleys, and had taken Pyrgi, the port of Cære. His object was to plunder a rich temple of Matutá in the neighbourhood. The Cærites marched out to defend it, but were defeated and their territory ravaged. In the same year L. Valerius and M. Manlius, the Roman consuls, were compelled to abdicate by an ordinance of the senate, on the plea of the pestilence, as Livy states, which then prevailed. Such a motive must have assuredly been fabricated with no other ground than the fact that one of the censors did actually die: the true reason without doubt was, that they had failed to succour Cære, a town of great importance to the Romans, as protecting the valley of the Tiber on the side of the sea, and connected with them by the most amicable ties. The extensive victories of Dionysius were alone at this time sufficient to excite alarm, and his schemes of conquest were the more formidable, as he could easily have allured the Gauls, with whom he had established friendly relations in the

early part of his reign, to march whithersoever he pleased, at the mere price of the booty they might carry off.

### CHAP. XXXIII.

#### INTERNAL HISTORY DOWN TO THE WAR WITH THE GAULS.

When the military tribunes of 353 were compelled to abdicate two months and a half before the regular time, the great object of the patricians was to transfer the election of these officers to an earlier period of the year, the first of October. Formerly the tribunes of the people had gone out of office three days before the military tribunes, and nothing could be a greater recommendation to a candidate, than his having acted honourably in the tribuneship, from which he had just retired; but by this change an ex-tribune of the people was no longer eligible, till nine months and a half had elapsed from the time he had left office, during which the people might easily have become estranged from him, more especially as he had no longer the power of addressing them. Such measures however were at present unnecessary, as the college of tribunes was completely subservient to the patricians: for in the year 354, in direct violation of the Trebonian law, the election was closed, when only eight tribunes had been appointed. The oligarchy however were baffled in their scheme, as the two colleagues, whom the eight tribunes chose, belonged to their own order, and the whole college acted as if it consisted entirely of friends of the people. The two delinquent military tribunes of the preceding year were condemned to a fine by the people, and an agrarian law put an end to the frauds,

by which the payment of the tithe had till then been eluded. The reaction was even still greater, as all the military tribunes of the next year, except the prefect of the city, were plebeians. The government of these tribunes was irreprehensible, nay glorious. P. Licinius Calvus, the leading person amongst his brother plebeian colleagues, had already distinguished himself in mediating a peace between the two orders, in conjunction with his half brother Cn. Cornelius. The latter had brought in a bill, when military tribune the year before, that those knights who served with their own horses should receive a third 'stipendium,' and thus be placed on the same footing with those whom the state supplied with a horse. These knights must clearly have been plebeians. The military tribunes of 356 were likewise all plebeians excepting the prætor, and their government was equally without fault; but a severe winter, followed by a pestilential summer, afforded the priests a handle for working on the minds of the people, as if the auspices had been profaned by unworthy persons. Their speeches, combined with the united exertions of the patricians, brought about the exclusion of plebeians at the elections of 357, and 358. In 359, by a stipulation, all the places but one were again filled by plebeians, and it looks as if a compact had been entered into, that they should possess them alternately with the patricians every two years. As soon as Veii was taken, the patricians broke their faith, and we hear no more of plebeian military tribunes down to the Gallic war: nay for two years consuls were appointed.

After the conquest of Veii violent discussions arose about the possession of the domain. The tribunes of the people demanded for their order an assignment, not merely of the conquered territory, but also of the dwelling houses in Veii. By such a scheme the unity of the republic would have been without doubt endangered, nay it would have been entirely

dissolved, if in case of a new secession, the plebeian magistrates had fixed their seat there. So far then the resistance of the senate and the interposition of two of the tribunes was justifiable, but an assignment of land should have been made from the first. In the next year, 362, the bill was rejected by the tribes, on the assurance that a fair assignment of land should be made; and in consequence an ordinance of the senate was issued the next day, that plebeian hides of seven acres should be assigned to every free person. A prior assignment of the lands taken from the Æquians had been made in 360, but the colonists were far from prospering.

Camillus had incurred such universal odium by his conduct during these discussions, that in 364, when impeached by the tribune L. Apuleius of having secreted a portion of the spoils of Veii, he found his judges by no means favourably disposed towards him. His guilt seems to have been manifest, since even his own clients declared that they could not acquit him, but would willingly contribute to pay the fine to which he might be sentenced. It is impossible to solve with certainty the difficulties as to his impeachment, whether, from the jealousy of his brother patricians, the curies sanctioned the sentence of the centuries, or whether the sentence of the latter court involved a 'judicium turpe,' and hence an ordinance of the curies was necessary for the restoration of his civil rights. M. Manlius was clearly at this time his sworn enemy. Greatly as the actions of Camillus have been magnified by fiction, he was still without doubt a man in whom the nation should have shown indulgence even to deplorable faults; though indeed it is scarcely possible that any mortal could have averted the defeat in the Alia.

## CHAP. XXXIV.

## PHYSICAL HISTORY FROM 305 TO 365.

The ferment of the elements which prevailed towards the close of the third century of the city, continued through the first half of the next, and aggravated the miseries of the Peloponnesian war, which during that period was ruining Greece. In the year 319 there was a series of earthquakes in the Roman territory, which were probably connected with the eruption of Etna, and with the terrible shocks, which the coast of Greece experienced in Ol. 88. 3, the next year. In 327, and 363, there were dreadful droughts, followed in both instances by a destructive epidemic disease, and there were most probably similar dry seasons in the summers of 322, and 343, since they were succeeded by a pestilence and dearth in the following years. The severe winter of 355 was perhaps unequalled, except by that of 476, in its fatal effects upon the cattle and trees: it was as calamitous to Rome, where no one altogether escaped, as the ravages of an enemy. These extraordinary deviations of nature from the character of the climate must have been connected with internal convulsions, probably of a volcanic nature, and to some such cause the rise of the Alban lake must be attributed, its subterraneous outlets having been blocked up by earthquakes, as had been the case with the Bœotian and Arcadian lakes. The plan of breaking a tunnel through the lava instead of directing the course of the stream, where it overflowed from the lake, into a regular channel, was adopted for two reasons, inasmuch as it would be a preventive against violent floods from any extraordinary increase of the waters, and in addition, the land, which had been lost in the interior

of the crater by the rise in the surface of the lake, would be regained. The stratum, through which the passage is cut, is of the hardest lava; the length of the passage is about 6000 feet, and its breadth three and a half, whilst its height admits of a man walking upright in it. Its execution was expedited by sinking a series of pits, by which the workmen might descend at different points, and the rubbish at the same time be drawn up and removed. When the passage was completed a hole was bored through a thin wall which had been left between the tunnel and the lake, and the water drawn off to feed the dry fields of the Campagna. (Appendix F f.)

The winter of 355 was followed by an exceedingly unhealthy summer. The Sibylline books were consulted, and by their command the first lectistertium was celebrated in honour of six Greek deities. Of the nature of the epidemic disease at this period nothing is known: those however of 327 and 363 were cutaneous, and although that of 327 is called by Dionysius the itch, yet the description of them both reminds us more of the small pox. The pestilence which carried off the army of Himilco before Syracuse in 351, was probably the measles: the previous one of 343, which, after sweeping away the chief part of the Carthaginian army in Sicily, fell on the Punic part of Africa and depopulated it, seems to have been a disease of the same sort, or a yellow fever, and not strictly a plague.

The pestilences of the years 320, 322, and 323, were probably connected with the one in Africa, the first breaking out of which took place in 317, and the second in 321. The absence of any military expedition leads us to suppose, that the pestilence was felt in Rome in 321 likewise, and has been overlooked by Livy. The preceding and subsequent years were most unhealthy, as we may infer from the religious ceremonies to appease the anger of the deities. A drought may have fanned the disease, and the earthquakes may

have rekindled the glimmering embers, or may have produced a susceptibility to contagion from foreign parts. Rome in the midst of this distress continued to extend her frontier particularly towards Etruria: she was indebted for her preponderance to the immigration of the Gauls, whose subsequent career was so fatal to her early greatness.

## CHAP. XXXV.

### ON THE GAULS AND THEIR IMMIGRATION INTO ITALY.

The Gauls who destroyed Rome were represented at Athens as a great host of Hyperboreans, a people who had come over the icy mountains from the unknown regions of the north. The Celts were only known to Herodotus, who wrote about 330 U. C., as dwelling in the extreme west of Europe: the absence of their name from the list of the mercenary troops of Hamilcar intimates, that in the time of Gelon they did not form a part of the Carthaginian armies: they were still too far remote, for the Carthaginian recruiters to fall in with them. The statement of Appian that the Gallic invasion took place in Ol. 97. we must consider as borrowed from Dionysius, who adopted the tradition that an injured citizen of Clusium lured the Gauls into Italy. From him Plutarch took the story, as well as the statement that they immediately made themselves masters of the whole country inhabited by the Tyrrhenians between the Alps and the two seas; as this would agree with the statement of Dionysius, that the Tyrrhenians were still dwelling on the coasts of the upper sea in Ol. 64. Diodorus, who probably followed Fabius, places the migration across the Alps immediately before the taking of Rome. That some time

elapsed between these events, is implied by Polybius, but it was only some time: and this notion was entertained by Trogus Pompeius, whose voice is of greater weight, as he was of Gallic extraction. According to him they left their homes to the number of 300,000; of these a portion stayed in Italy, and took Rome, whilst the rest swept onward into Pannonia: and this accounts for the expression of Scylax, who, writing about twenty-four years after the destruction of Rome, says, that the Celts on the Adriatic to the west of the Venetians were left behind in the advance of the rest of their tribe towards Greece: his statement however may have reference to the Boians. The Celtic ambassadors, who had an interview with Alexander after his victory over the Getes, were from a settlement in Noricum; besides these there was another Gallic tribe, the Scordiscans, on the banks of the Danube, whence they had driven forth a Thracian tribe, the Triballians. This latter people appears near Abdera in Thrace about six years after the taking of Rome, in Ol. 101. 1, wandering as fugitives, so that at this time the Celts had possession of Pannonia. So rapid is the advance of a national migration, unless checked by countries of great natural strength, or by nations high in power and military glory. It cannot be supposed that the same people which, when it had crossed the Apennines, swept onward uninterruptedly in an irresistible torrent through the midst of the most warlike nations of Italy, and their pathless mountains, as far as Apulia, should have taken two centuries to creep onward from the Alps to the Po. If colonies are merely sent out, a frontier may be extended at this slow rate, but when a nation, like the Cimbrians and Helvetians, leaves its home, carrying its women and children along with it, it must sweep over vast regions and subdue them, or it perishes. Melpum cannot have defied the Gauls for two centuries; surrounded by a swarm of enemies it must soon have fallen by famine; and it is most pro-

bable that the annalists, whose statement Livy follows when he says, that the Etruscans could not send succours to Veii, being themselves menaced by the arrival of the Gauls, an enemy never before seen and newly come into the neighbourhood, had in their mind the fact that the Gauls came down into Italy during the war with Veii, and overran all the countries about the Po. Livy however relates, that the Gauls had crossed the Alps in the time of Tarquinius Priscus, and had built Mediolanum: this however is merely grounded on a tradition that they had assisted the Greeks, who built Massalia about that period, against their enemies on the coast. The Massaliots however, according to Trogus, had no tradition of this kind themselves; so that it must be looked upon as a fiction originating perhaps in the goodwill which the Gauls entertained for the Greeks of Massalia, from whom they had received all their civilisation: it is however actually true that the Massaliots and the Gauls did actually engage in wars with the Ligurians, but at a different period, and in a different manner.

The legend which Livy followed is a homesprung Gallic one. It is related therein, that the earliest adventurers under the command of Bellovesus, emigrated voluntarily, and having crossed the Alps, conquered all the country about the Ticinus: that people after people followed, till at last the Senones came, who advanced to Clusium, and took Rome. This migration however must have been compulsory, the result of distress and of the pressure of superior power, in spite of the fictions of the bards to flatter their countrymen. There were Celtic tribes in Spain, when that country was subdued by the Romans: these were said to have crossed over the Pyrenees, and to have united themselves with the Iberians; but this is surely another instance where fancy has inverted the course of events. The Celtiberians had the Iberian character too strongly marked on them, to allow of any doubt as to which was

the ruling people. Their manners exhibit no feature of the Celtic character: their names were Iberian; their constitution was republican. Their country was such, as would afford a footing for a nation driven from more smiling regions, rather than one, in which a nation of invaders would settle in the midst of a warlike people. We find besides to the north of the Pyrenees Iberians in Aquitania, where they must have established themselves by conquest. We find them also in the time of Philip of Macedon intermingled with the Ligurians. Other facts in addition to these warrant the conjecture, that the Iberians spread northward from Bætica along the coast, and having burst through the Sierra Morena, drove before them the Celts, and ultimately crossed over the western Pyrenees. The Basque fishermen used to sail out into the Atlantic at a time when the other southern Europeans never ventured to steer away from the shore, and thus they may have settled a colony in Britain. This would account for the resemblance between the Silures and the Iberians, which Tacitus remarks, whose testimony could not be known to the Irish monks; so that their story of the Milesian immigration from Spain must probably have been an ancient tradition.

The earliest inhabitants of Britain were Gauls; but in the time of Cæsar they had been driven back from the south coast, not only by the Silures, but also by the Belgæ. The latter was the Gaelic name for the people which has called itself Cymry down to the present day, whom Posidonius spoke of as Cimbrians and Galatians. The language of the Cymry had so peculiar an affinity to that of the Gaels, that both these nations may be comprised under the common name of Celts. The Belgæ seem to have made great encroachments on the Gaels, not only in Britain, but southward on the continent; when however the Gaels were driven back by the Iberians, the Belgæ were compelled to evacuate the southern portion of their conquests, and this event

seems to have been the cause of the great Gallic emigration. The Belgians are called by Posidonius Galatians, and the Gaels Celts; the former composed the preponderating part of the invaders both of Italy and Greece. They are called Cimbrians in both cases, and the supposed name of their leader is the Cymric word for a king. There were however some Gaels with them, as for instance the Gæsates. This host of emigrants rolled onward as far as the Mæotis, whence, being overpowered by a movement of nations from the east, they returned westward, augmented by the accession of many foreign hordes, under the general name of the ruling people, the Cimbrians. Some Gallic tribes without doubt crossed the Rhine, and settled in the neighbourhood of the Hercynian forest. Here they met with German tribes, and most probably with a remnant of the Etruscans.

The Belgæ appear to have been a more rude nation than the Gaels, although in most respects their institutions were similar. The monarchy originally was hereditary, but in the time of Cæsar it had been swallowed up in the anarchy of the nobles. Not only individual persons, but whole tribes, were compelled to seek protection in the patronage of a magnate, or of some more powerful tribe. The sole bond of union was the druidical hierarchy, at whose tribunal justice was administered once a year. The druids were not a caste: youths of all orders had access to their schools, where all information was handed down orally: the use however of Greek and Roman characters was general amongst them before the time of Cæsar.

The strength of the Gallic armies consisted in cavalry and war chariots, although the use of the latter was retained only in Britain at the time of Cæsar. Their assault was fierce and impetuous; but they were ill equipped, and their swords from their thinness were soon notched and rendered useless by blows upon iron. Like true savages they destroyed the inhabitants, the

towns, and the agriculture of the countries they subdued. Towns were rare amongst them: their chief wealth consisted in cattle, and the cultivation of corn amongst them was limited. The sandy beds of their rivers supplied them with gold for ornaments. Beer and mead furnished the material for their revels; for as yet the vine was a stranger to the north of the Alps. Wine however had been imported, ever since the Phœceans had begun to traffic with the Ligurian coast, nor was the Clusian traitor the first person, who made known to them the blessings of the south. Though history however rejects this incident as demonstrably false, it is well suited to the legend: and every legend which was current among the people long before the rise of literature among them, is itself a living memorial of ancient times, even though its contents may not be so, and deserves a place in a history of Rome written with a due affection for the subject.

## CHAP. XXXVI.

### THE WAR WITH THE GAULS AND THE TAKING OF ROME.

The legend related that Aruns, a citizen of Clusium, in order that he might avenge himself on a Lucumo for an injury for which the tribunals would afford him no legal satisfaction, went over the Alps to the Gauls, and by his account of the productiveness of the land and of the unwarlike character of its inhabitants, induced the whole people to cross the mountains, and to march straight to Clusium. The Clusines called upon the Romans for aid, who immediately despatched the three sons of M. Fabius Ambustus, the chief pontiff, as envoys to the Gauls to forbid them in the name of the senate to touch the allies of Rome. The barbarians treated the

mission with derision. An engagement ensued, in which the Fabii took part, forgetful of their sacred character of ambassadors, and of the peaceful relations which the republic still maintained with the Gauls, as no declaration of war has as yet been issued. Q. Fabius however was recognised, whilst stripping off the armour of a Gallic chieftain whom he had slain. The Gauls in their anger determined to demand satisfaction of the republic, and, unless the offenders should be given up, to march directly upon Rome. The majority of the senate acknowledged the guilt of the Fabii, but, unwilling to give them up to a barbarian foe, they left the decision of the affair to the people; who, from a strong feeling of compassion, immediately appointed them military tribunes, and thus invested them with a sacred character till the expiration of their year of office. The Gauls no sooner heard of this, than they struck their tents and marched forthwith against the city. Their advance was so rapid, that they would have found it totally unprepared to resist them, had not M. Cædicius heard a voice during the night, announcing that the Gauls were approaching. The legions were thereupon led forth in haste along the Salarian road and posted on the banks of the Alia. It may be remarked, that the military tribunes had entered into office on the first of Quinctilis, but the battle on the Alia did not take place till the fifteenth day before the Calends of Sextilis, so that an interval of fifteen days would have elapsed, whilst the Gauls were accomplishing a journey of only three days. It is however not requisite to criticise the poetical story, as the historical account has been preserved in a report taken probably from Fabius.

The Gauls had come down into Italy through the valley of the Aosta. The Salassians, who continued to dwell in those parts till the time of Augustus, remained behind, whilst their comrades marched onward, and by a victory on the Ticino, gained posses-

sion of the plains of the Etruscans on their northern frontier. Wherever they settled, they exterminated the inhabitants, although beyond their own frontier they allowed several nations to subsist as tributaries, such as the Umbrians and the Picentines. Ravenna, and such towns as were difficult of access, probably purchased the privilege of living at peace. As one people after another poured down from the mountains, they pressed onward to regions as yet unoccupied, and in this manner the Senones settled in Romagna. By their conquest of Umbria they laid open the passes of the Apennines into Southern Etruria, and thus made their appearance before Clusium with an army of 30,000 men, having left their wives and children on the coast of the Adriatic. Envoys were despatched from Rome, not as presumptuous mediators, but to ascertain who this host of foreigners were. They however took part in the engagement, and one of them slew a chieftain of high rank. The Gauls thereupon sent to Rome to demand that he should be given up to them, and the senate agreed to make the sacrifice, but when his father appealed to the populus to decide whether a member of a house should be given up to such a death, the curies decided in the negative, and rescinded the ordinance of the senate. The Gauls thereupon sent to their kinspeople for reinforcements, and with an army of 70,000 men took the road to Rome. The whole disposable force of the Romans and of their allies was called out, and took up a position near Veii; but the generals, having received intelligence that the enemy was advancing straight upon the city, crossed the Tiber, and marched along its bank to the Alia, in the hope of preventing him from ravaging the country. Had they but refrained from indulging in such a hope, a battle lost under the walls of the city would not have been followed by its destruction.

It seems that the Romans had not formed a camp

on the Alia, but met the enemy on their march, without having taken any precaution to provision and garrison the city in case of a reverse. The army consisted of 40,000 men; of these 24,000 were stationed on the left wing, composed of four Roman legions, and the proportionate contingent from the allies. The right wing was formed of two legions of veterans, and three civic legions made up of proletarians and ærarians. The cavalry may be estimated at about 1200. Brennus did not attempt to break through the line, but outflanked the Roman army, and charging with his best troops the right wing, which was stationed on hilly and broken ground put it to the rout in an instant. The regular legions, seeing themselves outflanked, and soon after surrounded, were seized with a panic and fled towards the Tiber, as their retreat to Rome was cut off. A considerable body saved themselves by swimming across the river, though few retained all their arms: the right wing probably reached Rome by a circuitous route, whilst the other soldiers who had escaped assembled at Veii. The Gauls did not immediately proceed to consummate their victory, but abandoned themselves to plundering and drunkenness, nor was it till the second morning after the engagement, that they advanced against the city. This delay gave the inhabitants time to carry into effect a plan for saving the city. To defend it was impossible; it was therefore determined to garrison the Capitol and the citadel with their best troops, and to supply these with all the provisions in the city, whilst the mass of the population should evacuate the place, and seek refuge in the neighbouring towns. The chief objects of religious reverence were transported to Cære. Whilst all the rest of the people quitted their homes, about eighty priests and aged patricians of the highest rank sat down in the Forum on their curule thrones in festal robes awaiting their doom: they had perhaps devoted themselves by the hands of the chief pontiff for the

republic, and for the destruction of her foes. When the Gauls approached the city and found the walls entirely deserted, they burst open the gates. The richness and the warmth of colouring, which are so peculiarly the excellences of Livy, are no where more brilliant than in his description of the subsequent events. We need not forego the pleasure of his narrative because it is historically untenable.

The desolate and death-like stillness of the city struck the Gauls with awe, as they marched onward from the Colline gate to the Forum. Here they saw the armed men above in the citadel; and in the Comitium the aged chiefs, looking like beings of another world. In doubt whether the gods had not come down to save Rome or to avenge it, a Gaul proceeded to stroke the beard of one of the priests, M. Papirius, who indignantly struck him with his sceptre; the barbarian cut him down, and a general massacre ensued. Hereupon a scene of plunder and conflagration commenced through the whole city: the buildings of the Palatine, where the chiefs had fixed their residence, were alone spared.

The garrison of the Capitol amounted to about 1000 men: the place was by no means impregnable, and the Gauls repeatedly rushed up the 'Clivus' to storm it, but in vain. The besieged had a well within the citadel, and just sufficient provisions to subsist on, so that they were enabled to hold out, till the fevers of the dog-days and of the month of September began to sweep off the invaders by thousands. The chief part of them had marched onwards as far as Apulia: those who remained, supported themselves probably by contributions of provisions and forage, levied from the towns of Latium. The Ardeates, as the legend relates, under the command of Camillus, who might be living amongst them as an inquilinus, defeated the plunderers. This may be however a mere fiction. The bridge over the river having been

broken down, the right bank was secure from the invaders. The Romans who had escaped to Veii, chose M. Cædicius as their general, and, under his guidance, defeated several marauding parties of the neighbouring Etruscans. They sent information of their success to their friends in the Capitol by a daring youth, named Pontius Cominius, who swam down the river, and contrived to make his way to the top of the hill and back again without being discovered. The next day, however, traces of his steps were observed on the side of the hill by the Gauls, and they in consequence determined to attempt an escalade under cover of the night. The leader of the scaling party had already reached the summit of the rock, when M. Manlius, awakened by the cries of the geese, rushed upon the Gaul who had clambered up, and thrust him down upon the heads of such as were mounting behind him, and thus baffled their scheme. This was not the only occasion on which Manlius was said to have saved Rome, as it was by his counsel that the Capitol had been occupied with troops. The Romans always regarded Camillus and him, as the heroes of that age. Famine at length began to bend the determination of the besieged, and the Gauls gave ear to a proposal to evacuate the city for a given sum of money. Their army was melting away, and an invasion of their territory by the Venetians prevented them from drawing any reinforcements from their kinspeople. A stratagem of the garrison, as the Roman lays fabled, in throwing down loaves of bread amongst them, made them believe, that the stock of provisions in the citadel was abundant. They therefore agreed to evacuate the Roman territory for 1000 pounds of gold, having remained in the city for a period, varying in the different accounts from six to eight months.

Polybius, when he wrote that the Gauls returned home with their booty without harm or loss, assuredly did not use these words for the set purpose of con-

tradicting the account in the legend, yet it certainly was not after his time, that this story was first fabricated. The legend related, that Camillus, having been restored to his civil rights by an ordinance of the plebs at Veii, and by the assent of the senate and the curies in the Capitol, to obtain which was the purpose of the mission of Cominius, and having been declared dictator, assembled an army of Romans and Latin volunteers, and arrived at Rome at the very moment when the ransom was being paid. By his supreme authority as dictator, he cancelled the agreement, and in a combat which ensued, drove the Gauls out of the city. A second engagement near Gabii was still more decisive, and the Gallic king was taken prisoner, and put to death. After this glorious victory, Camillus entered Rome in triumph. This is one of the first amongst the fictions attached to Roman history, which was rejected, and the critical examination of it by Beaufort has finally settled the question. There is however a fact which he has not noticed, as he did not suspect the value of the narrative of Diodorus; but it is worthy of observation, that this writer nowhere mentions the appointment of Camillus to the dictatorship, much less his having liberated Rome by arms; so that this, like other touches in the legend, must be considered without doubt as destitute of historical truth.

It may be conjectured that the oldest legend did not contain the account of a twofold battle. The noble feeling, in which Livy partook, would not allow of the ransom having ever been paid: a less delicate one invented a way, in which it was subsequently recovered, that Camillus found it along with the rest of the booty in the camp of the Gauls. That the gold was retaken was considered certain from the fact, that the 2000 pounds of gold, of which M. Crassus robbed the temple in 691, had been remaining there ever since the consecration of it by Camillus. Some au-

thors held that this was the amount of the ransom, whilst others limited it to 1000 pounds, and considered the rest as made up of other booty. It is most probable, that gold to the amount of 1000 pounds was borrowed from the temple, under a vow to pay back double the sum. On this supposition we may account for the statement, that the ransom was raised by a tribute, which could not have been effected during the distress of this war: as well as for the contribution of the Massalians, for which they were rewarded with isopolitical and other privileges, and which could not have been sent in time for the Gauls to carry it off.

There remains yet one more tradition, that the Cærites attacked the Gauls on their retreat from Rome, and spoiled them of the treasure. This however seems to be merely an amplification of a defeat, which the detachment, that had pressed onwards from Rome, experienced on their return from Apulia on the Trausian plain in the Roman territory; where most of them, according to Diodorus, were cut to pieces.

## CHAP. XXXVII.

### ON THE OLYMPIAD AND YEAR OF THE TAKING OF ROME.

Hecatæus, who wrote his *Europe* at a period when Rome was still flourishing under its monarchy, as he spoke of Nola, can hardly have passed over Rome. As his books however sank into complete oblivion, after the geography of Eratosthenes appeared, the capture of the city by the Gauls was regarded as the earliest notice of any acquaintance with her fortunes amongst the Greeks. Timæus, who paid so much attention to the history of Rome as to discuss its anti-

quities and its Trojan origin, attached the greatest importance to chronology, and was the first historian who arranged events according to the years of Olympiads and of archonships. To him therefore may be referred the statement, that the expedition of the Celts, in which Rome was taken, fell in the archonship of Pyrgion, Ol. 98. 1; and when Dionysius says that on this point almost all were agreed, he must refer to Eratosthenes and Apollodorus, whose chronological tables had gained an unlimited authority. Diodorus followed the account of Timæus throughout his work, and on his authority most probably placed the epoch of the passage of the Alps by the Gauls about the period of the siege of Rhegium by Dionysius; this immediately preceded their appearance before Rome. Polybius, and Diodorus himself, place the capture of the city in Ol. 98. 2, but their only reason for doing so, was the supposition that some interval must have elapsed between the two events.

This Olympic year was made the basis of all attempts to reconcile Greek with Roman chronology. After the expedition of Pyrrhus into Italy in Ol. 124. 4, and, according to Cato, in U. C. 472, the correspondence of the years of Rome and of the Fasti with the Greek tables is well understood. Between this epoch then and Ol. 98. 1, 107 years must have elapsed, and the Fasti must have furnished at least 106 magistrates. Livy, however, only presents us with 104. It is a mistake therefore to suppose that Livy follows Cato's chronology later than the beginning of the fifth century at the furthest, for the year 472 in Cato answers to 470 in Livy, and the year 365, in which according to both tables it is expressly stated that Rome was taken, answers not to Ol. 98. 1, but to Ol. 98. 3. To make up the difference and complete the number of 106 years, two official years were interpolated, the dictatorship of Papirius Cursor in 430, and the consulship of 439, both of which are unknown to Livy, and could

not find a place in a narrative which relates the events of each year apart. The 104 years of Livy are divided between seventeen military tribuneships, eighty-two consulships, and five consecutive years of anarchy, in which there was no curule magistracy. These last however are as much a fabrication as the two interpolated years above mentioned. In order to keep the Fasti in harmony with the Capitoline era, as twelve months or even more had passed away in interreigns during the term of these commotions, it was necessary that one year should be left without the names of any magistrates, and the fittest place for introducing it was when the tribunes first assert their right of stopping the supplies. This, however, would have made the capture of the city fall in 99. 1, instead of 98. 1: and this suggested the notion, that the chronicles were mistaken in stating that five years of the Fasti had been separated by long interreigns, and that instead of this an equal number of years, including the term of those interreigns, had passed without any magistrates. Of this error even Cato cannot be acquitted, yet there were Fasti which had not been corrupted; such were those followed by Fabius, who placed the capture of Rome in Ol. 99. 3, under which year the military tribunes of 365 occur for a second time in Diodorus. For this historian, who had been following Fabius in his comparative chronology, passed over with the utmost recklessness the magistrates from U. C. 331 to 337, in order to bring the capture of the city to Ol. 98. 2, the year assigned by Polybius, and having afterwards discovered that the Fasti would not suit him, because they did not contain any interpolated years, endeavoured to get out of the scrape by repeating the magistrates, who had already occurred from 361 to 365, under the years from Ol. 98. 3. to 99. 3. Diodorus and Fabius, however, both placed the first plebeian consulship in the eighteenth year after the taking of the city, and there is the same difference of an Olym-

piad between the comparative chronology of Diodorus and Dionysius, as between Fabius and Dionysius with regard to the year of the foundation of the city. It is on these grounds principally that the chronology of Fabius is supposed to have been the basis of that of Diodorus: it was likewise the basis of the dates given by Orosius during the period from the passing of the Licinian law down to the first Punic war. Orosius places the capture of the city in the year 364, and he has exactly the same number of years as Diodorus from that period to the first plebeian consulship. Thus these *Fasti* likewise allow only one year of anarchy, and bring down the capture in like manner to Ol. 99. 3. If then we apply this correction to Livy's calculation, who does not admit into his chronology two of the years which we find in Cato's, the year of the city, in which the Christian era begins, when the years erroneously interpolated are expunged, becomes 746.

It may be disagreeable to depart so far from the universally-adopted system, but the years of the imaginary anarchy, as well as the two omitted by Livy, will be proved in the sequel to be inadmissible. If it be allowed that Rome fell in Ol. 99. 3; Ol. 98. 1, the date of the war before Rhegium, and of the descent of the Gauls into Italy, answers to 359, the year of the taking of Veii: this agrees with the statement about the fall of Melpum preventing the Etruscans from sending succours to the Veientines.

It is hardly fair that this view of the subject, the oldest and the simplest, should have to justify itself against an artificial fiction which has accidentally become predominant: a comparison, however, of Greek and Roman chronology, readily supplies a confirmation of it. Thus, according to this calculation, the year 363, in which the consuls were forced to abdicate, coincides with Ol. 99, 1, the year in which Dionysius took Pyrgi, and we have then an explanation of the reason of the senate's displeasure. Again, the dearth of 344, during

which relief was received from Sicily, coincides with Ol. 94. 2; at which time Dionysius was at peace with Carthage, and was employed in strengthening and extending his power by forming treaties with distant states. But in Ol. 92. 4, the date of the famine according to the old calculation, a Carthaginian war was raging in Sicily, and no supplies could have been sent, nor did Dionysius make his appearance till three years afterwards.

Again, when Livy states that in the year 324 the Carthaginians made their first appearance in Sicily, he is in error, as their expedition against Gelo took place fifty years before, and the Carthaginians remained quiet till Ol. 92. 4. The foreign armament, which he incautiously described as Carthaginian, was most probably Athenian: and by our calculation the year 324 would answer to Ol. 89. 2: there are, however, variations in the *Fasti* even subsequently to the decemvirate, so that perfect accuracy cannot at this period be expected. The fleet under Laches appeared on the coast in Ol. 88. 2; that of Sophocles and Eurymedon, which first gave importance to the interference of the Athenians in Sicily, in Ol. 88. 4. We can also explain the chronological mistakes of Livy respecting the landing of Alexander of Epirus in Italy, as well as the foundation of Alexandria, and the death of Alexander the Great, by the difference between the two dates assigned for the taking of the city. The annalist, who misled him, probably borrowed the dates in years of the city from Cato's tables, and applied them to those tables in which the destruction of the city was dated in Ol. 99. 3, and the foundation in Ol. 8. 3.

## CHAP. XXXVIII.

ROME AFTER THE DEPARTURE OF THE  
GAULS.

The helpless condition of Rome after its evacuation by the Gauls, has been handed down to memory, in spite of the historians, by the solemnity called 'populifugia,' which was celebrated on the nones of Quinctilis even down to a late age of the empire. Its object was to commemorate the panic caused at Rome by the sudden approach of the troops of Ficulea and Fidenæ with those of the neighbouring townships, at the moment when the Romans were employed in repairing the breaches made by the Gauls in the walls of the city, and were totally unprotected against such an attack. The tradition, which is regarded by Varro as perfectly historical, recounted how the Romans had surrendered as hostages to Postumius Livius, the dictator of Fidenæ, a certain number of female slaves, whom they had disguised as noble ladies, and passed off as maidens of good families; and how the captives, when the victors after their revel were buried in sleep, held up a signal to the Romans, who thereupon surprised the unguarded camp, and massacred their audacious foes. Tutula, the leader of the party, who had suggested the plan to the Romans, as well as her companions, were rewarded with their freedom and marriage portions. This is just as much a fable as another story, which we find in Verrius Flaccus, that in order that the scanty stock of bread might be reserved for those, on whose preservation the existence of the republic depended, a resolution was taken and carried into effect, to throw all the old men above sixty into the Tiber. The sequel, however, of the

story betrays its character: one old man was concealed by his duteous son; and in gratitude for the wise counsel which the republic often received from him through the mouth of that son, the law was repealed. We may learn, however, from this, to what a woful state tradition represented the Romans as having been reduced on their return.

There can be no doubt that the republic adopted all possible means of increasing the number of able-bodied men, which had been so greatly diminished. The exiles were assuredly recalled, and it was very possibly to a general law of this kind that Camillus owed his return: the sojourners and freedmen too would naturally be enrolled in the tribes. In addition four new tribes were formed in 368, out of the inhabitants of the dependent townships, which had revolted to the Romans from the Capenates, Veientines, and Faliscans, during the late wars. It was wise policy in Rome, now that Latium had separated itself and become hostile, to repair her loss of citizens from another nation.

The people looked forward with dismay to the rebuilding of the city, and vehemently desired to remove to Veii. Its houses and buildings were handsomer than those of the Romans had been before their destruction; and extensive districts in its neighbourhood had been assigned to the commonalty a short time before, which were at a distance from such as lived at Rome. The patricians had an opposite interest, since the ancient domain, and consequently by far the largest part of their possessions, lay on the left bank of the Tiber: but they had also, no doubt, nobler motives. If the Romans had settled on the other side of the Tiber, their connection with the Latins would have been entirely broken off, and these, uniting with the Volscians, would easily have established a colony within the deserted walls. The river would then have been as insurmountable a barrier to

the Roman Veientes as it had been to the Etruscans. In addition to this, all the associations of their religion and past history would have been lost to the people, and they would have degenerated into a colony with a history of yesterday's growth.

The lucky omen of a word, which no doubt had been prudently preconcerted, decided the irresolute minds that were wavering between distress and shame. The city was rebuilt in an irregular manner, without regard to order or materials. The government was no doubt anxious that the people should have, as soon as possible, an additional inducement to remain, and therefore allowed every one to build where he chose. The narrowness and crookedness of the streets was a matter of complaint with the Romans of afterages; but when, after the fire under Nero, these defects had been remedied, it was discovered that the broad straight streets were prejudicial to health, as is generally considered to be the case in modern Rome. Perhaps one is more sensible in them to the dangerous change of temperature which follows sunset. To lighten the task the senate allowed bricks and stones to be taken from buildings already existing, such as those at Veii. It was wise to favour the demolition of this city; its walls and temples supplied blocks of stone ready hewn for the repair of the walls of Rome, and for the substructions of the Capitol. An ordinance of the senate commanded all those Romans, who had staid at Veii to avoid the charge of building, to return to Rome before a stated day, under pain of the severest punishment. Some curious objects are said to have escaped the ravages of the Gauls, such as the brazen tablets of the Latin treaty, the statues of the envoys murdered at Fidenæ, and the wooden image of Fortuna; but perhaps the genuineness of such articles is no less suspicious than that of the crook of Romulus, which the augurs asserted they had found uninjured amidst the ashes of the straw-thatched hut

of Mavors. The Romans did not fail to testify their gratitude to all who had afforded them succour: to the Cærites and Massilians they decreed municipal privileges, and to the latter unusual marks of distinction. In the midst of the general defection of its allies, for the Sabines alone remained unswerving in their faith, the confidence of the nation was confirmed and heightened by its great citizen Camillus, whom after ages called a second Romulus.

## CHAP. XXXIX.

### THE WARS DOWN TO THE REFORM OF 384.

The towns, which after the fall of Latium had placed themselves under the sovereignty of Rome for the sake of enjoying her protection, disdained to submit to her in her present reduced condition. As early as 366 the league with the Hernicans and Latins was dissolved, although no actual hostilities were commenced by them in their national capacity. Whilst, however, we find single towns maintaining their friendship with the Romans, we may observe others forming alliances with the Volscians. The erroneous notion, that the Latins from being the faithful allies of Rome had now become her enemies, arose from the fact that Præneste, which was one of the ancient thirty Latin cities, appears in 373 at open war with Rome. Præneste, however, was now a member of the Æquian state, or, if we suppose that union to have been broken up after the year 367 like that of the Latins, it had become independent, and exercised a sovereignty over at least eight towns. The breaking up of the Æquian state was probably the consequence of the irruption of the Gauls who advanced into Apulia, as its territory, which was full of unwalled hamlets, afforded a

much easier road, than Latium, which abounded in fortified towns. Perhaps it was at this time that the Æquians entered into that isopolitan union with the Romans, which we find subsisting in the next century.

The Volscians of Antium and Ecetra eagerly seized the opportunity, which now presented itself, of dissolving the union which had subsisted between them and the Romans for seventy years, and commenced immediate hostilities. The first campaign of 366 was opened most favourably to their designs; the Roman army, which consisted only of a single legion, was obliged to take refuge in its camp; but Camillus, being appointed dictator, came to its relief, and soon turned the fortune of the war. After this defeat the Volscians made no fresh attempt for the next three years. Camillus, however, turned his arms against the Æquians, and raised the siege of Bolæ; he then marched into Etruria, and retook Sutrium and Nepete by storm, both of which towns the Etruscans had compelled to surrender, at the time when the Volscian war obliged the Romans to leave their frontier on the side of Etruria unprotected. This took place most probably in 369, although the taking of Sutrium has twice over furnished a subject for the poetical story of Camillus. Both these towns received colonies soon afterwards, and henceforward formed the outworks of the Roman territory, which for sixty years continued inviolate. The Antiates, who had taken the field in 369, were defeated by Camillus, who was however prevented from immediately following up his victory and laying siege to Antium by the necessity of marching, as before mentioned, against Sutrium and Nepete. Hence in 370 we find them again acting on the offensive, and it was necessary to appoint A. Cornelius Cossus dictator against them. The army of the Antiates consisted of their own forces and those of the Ecetrans, along with Latin and Hernican mercenaries, and some volunteers from Circeii and Velitræ. In spite, however, of its formidable

numbers the dictator gained a complete victory over it: the prisoners were probably put to death as rebels, and this may have decided the resolution of the Veliternians and Circeians to throw off the Roman yoke in 372. A colony was sent from Rome to Satricum: this excited the jealousy of the people of Lanuvium, and induced them to unite with the Volscians in 372.

The Prænestines also took up arms, and in conjunction with the Antiates took Satricum. Camillus in consequence was chosen one of the military tribunes for the seventh time, and opened the campaign of 374. The impetuosity of his colleague L. Furius Medullinus could not be controlled. Deaf to the advice of Camillus, on one of his alternate days of command, he led forth the legions. They were driven back in confusion to the camp, where Camillus is said to have left his sick bed and to have rallied them: the victory, however, which according to Livy closed that melancholy day, belongs not to history, and must decidedly be rejected. The Tusculans appear to have been admitted about this time to a sympolitical alliance with the Romans. The story of their throwing open their gates to the legions rests on no other ground than the legend of Camillus: it is however probable that they averted the anger of the Romans by their politic conduct. There is some difficulty in believing that Camillus even saved the army from defeat, since the Prænestines in the next campaign of 375, ravaged the Roman territory up to the Colline gate. T. Quinctius was immediately appointed dictator, and led forth his troops in pursuit of the enemy, who retired along the banks of the Tiber with the design of favouring any diversion that the Volscians might make; a decisive engagement ensued on the Alia, and the Romans were victorious. They followed up their victory, and in nine days took the same number of towns from the enemy. On the tenth day Præneste itself is said to have been taken; perhaps it sub-

mitted in its despair to a humiliating peace. Next year, however, when the Roman army had met with a severe reverse from the Volscians, the Prænestines seized the opportunity to revolt. The military tribunes of 377 avenged the defeat of 376, and ravaged the Volscian territory as far as Ecetra; and in the following year, 378, the Antiates sued for peace. Soon after this the republic was disabled for foreign enterprises by internal dissensions about the Licinian bills: these circumstances rendered the senate by no means unwilling to listen to terms of peace, which Velitræ and Præneste probably concluded with Rome about this time. A war with the Gauls, in which Camillus gained his last laurels, is also spoken of at the close of the present period, in 383. Polybius and Fabius, however, knew nothing of this war, and on comparing the account of it with that of the victory gained by L. Camillus in 401, the identity of the two wars is so striking, that there is no doubt, that the later Roman annalists are here guilty of their peculiar vice of repeating a story and throwing it back into an earlier, whether mythical or historical, period.

## CHAP. XL.

### CIVIL HISTORY DOWN TO THE YEAR 374.

The ferment which produced the Licinian laws did not arise, like the commotions which led to the Publilian laws and to the appointment of the decemvirs, from the pretensions of the higher class of the plebeians to more freedom and a due share of civil offices, but from the misery which the Gallic invasion had left behind it. Few free states have passed through revolutions, brought on by general distress, without receiving a death-blow to their liberty. It

was, however, the peculiar glory of Rome, that twice in its history such an excitement gave rise to a higher and more desirable state of legal freedom. Since the time of the decemvirate the prosperity of the nation had much increased; a conciliatory spirit was diffused between the orders: the aggrandisement of the public domain had increased the fortunes of the patricians, whilst a number of plebeian families had acquired some little property by assignments of land, principally in the Veientine territory. The tenth seems now to have been more regularly raised, so that the tribute was seldom levied for the payment of the troops. Agricultural produce had risen in value, and the 'as' had been reduced in weight; and in addition a moderate rate of interest had been established, and less oppression was exercised towards debtors. By the laws of the XII. Tables, the debtor whose person was pledged did not lose thereby his civil rights: he was usually able to free himself on the judgment-day by paying his debt; and even if he could not redeem his pledge at the moment, but made oath that he had means sufficient, the tribunes would seldom allow him to call in vain for their aid. There was however one most revolting provision in the Tables, which it has been in vain attempted to explain away: that after allowing a respite of thirty days, a creditor might seize upon the person of his debtor, and throw him into chains; and if, after an interval of sixty days, his release should not be effected by the payment of his debt, the creditor, after going through certain formalities on three consecutive market days, might put him to death, or sell him on the other side of the Tiber. In case there should be several creditors they might share his body amongst them. The execution of this law must of course have been indescribably rare: its terrors were perhaps merely designed to compel the debtor to redeem himself, or to enter into a 'nexum' by which he became liable to pay interest,

or to work out his debt by his own labour or by that of his friends. No doubt if any creditor rejected reasonable terms, the tribunes would have interposed. After a common debt had been converted into a 'nexum,' it might be exacted summarily; since he, whose person was not pledged, might laugh at the threats of his creditor, and might emancipate his son and make over his whole property to him: but the 'nexum,' after the respite allowed him had elapsed, might be led away to bondage as a slave, and be compelled to discharge his debt by labour, confined in the dungeon of his creditor.

Not only the immediate personal wants of the citizens compelled them to borrow money for the purpose of rebuilding and refitting the houses which the Gauls had destroyed both in the city and in the country, but the taxes imposed on them for the execution of the public works, and the repayment of the gold taken from the temples for the ransom of the city, pressed most heavily on them. The tribute being raised not on each person's income, but on the property to which his name was annexed in the census, whether or not he had the free enjoyment of the produce, it often happened that a citizen was obliged to allow the interest of his debt to be added to the capital, and thus continually to augment the sum for which he was liable. That a higher rate of interest was allowed at this time in Rome, for the sake of attracting capital thither, seems highly probable, and on this supposition the enactment of the 'fœnus unciarium,' in the year 393, was merely the restoration of the old rate, as established by the XII. Tables. The state of things was rendered still worse by the loss of the land-rolls, so that for fifteen years the tribute was levied by conjectural rates, and although censors were elected thrice, in 371, 372, and 373, to make a settlement more conformable to justice, and perhaps to prepare the way for a general liquidation of debts,

some pretext or other was each time devised to render their election nugatory. The ruling order most probably wanted to enjoy the produce of the estates of their debtors without paying tribute for them, forgetting that they themselves must infallibly be utterly ruined, if the middle class was reduced to beggary. We find the patricians still acting the part of usurers, not that they had saved large capitals themselves, but the foreign money-dealers could not carry on their traffic except under the name of a patron, for which privilege they without doubt had to pay dear.

Manlius at this moment was the patron of the commonalty, whilst his rival Camillus, who had not shared in the siege, who had imprecated curses on his country, was repeatedly raised to the military tribunate, he, the preserver of the Capitol, though a consular, found himself excluded from all dignities. Second to none, according to the chronicles, in birth and valour, and in personal beauty, exploits, eloquence, vigour, and daring, superior to all, he found his claims to gratitude and honour insultingly neglected. Such treatment poisoned a heart, the energy of which was still unexhausted, with virulent rancour, yet it was undoubtedly with pure feelings that in the first instance Manlius took pity on the helpless debtors. His enthusiasm was kindled at the sight of an old fellow-soldier, covered with honourable scars, whom his creditor was dragging away in fetters, according to the sentence of the law. On the impulse of the moment, he sold an estate, the most valuable part of his inheritance, and in the sight of the whole people swore that, so long as he had a single pound, he would allow no Roman to be carried into bondage for debt. This oath he faithfully kept, for at his impeachment nearly 400 citizens came forward, whom he had rescued from imprisonment by lending them money without interest. His popularity no doubt caused uneasiness to the government, particularly as he is said, in addressing the

plebeians, to have accused his own order of embezzling the Gallic gold, and to have urged that they ought to be made to refund it, to be employed in a general liquidation of debts. This gold had been levied by a tribute, to replace the sum which had been borrowed from the temples. As the tribute was paid with money borrowed from the usurers, and the deposit was to be concealed from all eyes, it might readily be suspected that it was raised for the benefit of a few powerful speculators, who divided the produce of the tribute amongst themselves, having already received a percentage from their clients, who had lent it to the unfortunate tax-payers. Such a suspicion, when it had once spread, soon passed for incontrovertible truth with men ground down by poverty. Dionysius states that Manlius proposed that a portion of the public domain should be sold, to pay off the debts with the produce.

It was the year 370, and A. Cornelius Cossus had been appointed dictator on account of the Volscian war. On his return he ordered Manlius to be cast into prison for slandering the government and for sedition. The plebeians, however, assembled around his prison, and showed such a determination to release him, that the senate, instead of bringing him to trial, resolved to set him at liberty. The language of his party after this was no doubt far fiercer and more menacing than before. It is possible, that the idea of usurping kingly power may have seized upon the feverish soul of Manlius in the darkness of his dungeon; yet Livy could no where find any action laid to his charge, which pointed immediately to such an aim. He might possibly even now have acquiesced in the condition of a private citizen, had his just claims been satisfied, but such concessions were as little to be expected from the patricians, as resignation for the sake of peace from Manlius.

This difficulty might have been solved by ostracism,

and it is manifest that the tribunes, who impeached him before the centuries, had no other object than to force him to quit Rome, where his presence was incompatible with the existence of the government. Unfortunately he would not withdraw from the city and take up the franchise of a municipal town, but awaited his trial. His friends and brethren equally deserted him: but when he called upon those as his witnesses, whose freedom and property he had restored to them, or whose life he had saved in war; when he displayed the trophies which he had won; when he laid bare the scars upon his breast, which he had received in defence of the republic; when he pointed towards the Capitol and prayed the immortal gods, whose temple he had saved from destruction, to remember him in his need; then even those who deemed his preservation irreconcilable with that of the state, felt that they were unworthy to condemn so great a man. That he was acquitted by the centuries is certain: the statement that sentence was deferred, was founded on a misapprehension as to the nature of the court which condemned him.

All hope of terminating affairs peaceably was now at an end: the partisans of Manlius occupied the Capitol in arms, whilst Camillus, on the other hand, was appointed dictator, and proceeded to take measures to accomplish his enemy's downfall. Protected by the unlimited authority of this magistrate, the public prosecutors proposed an act of outlawry against Manlius, and the council of the patrician populus, assembled in the Petelian grove before the Nomentan gate, condemned Manlius to death. This sentence was not unjust, if he was already in insurrection, although possibly it might have been the cause of his proceeding to extremities. The sequel of the affair has been preserved to us by Dion. The plebeians of rank had all abandoned Manlius, who with his party was master of the Capitol, but his weakness rendered him willing

to accept any aid. A slave who pretended to come as a deputy from some conspirators of his class, craved an audience with Marius, and being admitted to him, when he was walking upon the platform on the edge of the steep precipice, darted traitorously upon him, and pushed him down the rock. After-ages, ashamed of this dastardly piece of treachery, related that he was thrown down by the tribunes, or invented some other account of his death. An ordinance was passed by the curies that nobody whatever should henceforwards dwell on the Capitoline hill, as Manlius, from having his house there, had been able to make himself master of the citadel. This event took place in 371. A pestilence and dearth, which ensued shortly afterwards, made the people imagine that the gods were avenging the preserver of their temples. To conciliate the people, the senate resolved in 372 to make an assignment of the Pomptine district, but the settlement was unfortunate.

An event of some importance in the history of the constitution took place in 372, when, after the senate and the houses had resolved to declare war, the decree was brought before the commonalty for its acceptance. Hitherto such matters had been submitted to the approval of the centuries. In 376, in consequence of a compact between the chiefs of the two orders, plebeian military tribunes were allowed to be elected after an interval of seventeen years. This compact was extorted by the tribunes, who, in 377, renewed their intercession, and obtained some measures of protection and mitigation for the debtors. In 378, after a period of tumults and interreigns, the patricians forcibly carried the election of their nominees to the military tribunate. The commonalty now sank under its misery into a state of gloomy submission: the question with regard to the corporate privileges of the two orders, seemed to be finally settled in favour of the patricians, whilst the number of free citizens was visi-

bly decreasing, and those who remained, were reduced to a state of dependence by their debts. Rome was on the point of degenerating into a miserable oligarchy, when the appearance of two men arrested her decline, who, by carrying back the constitution to its original idea, and by restoring that fitness which certain parts had lost through the changes of time, infused a fresh principle of vitality into the state, and changed the fate of their country and of the world.



## APPENDIX.

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### APPENDIX A. p. 12.

#### ON THE PELASGIAN LANGUAGE BEING DISTINCT FROM THE GREEK.

Niebuhr founds his opinion that the Pelasgian language was peculiar and not Greek, on this passage in Herodotus, l. i. c. 57. ἦσαν οἱ Πελασγοὶ βάρβαρον γλῶσσαν *ιέντες*. This has been controverted by Müller, and Mr. Thirlwall considers "that nothing more can be safely inferred from the words of Herodotus, than that the Pelasgian language which he heard on the Hellespont, and elsewhere, sounded to him a strange jargon." The reason which is so convincing to Mr. Thirlwall is that Herodotus, in enumerating the four dialects of the Ionian Greeks, speaks of them as *χαραχτῆρες γλώσσης τέσσερες*, and as he applies to the remains of the Pelasgian language the same term, *γλώσσης χαραχτῆρα*, "he hence affords a measure by which we may estimate the force of the word barbarian." It is certainly possible that "barbarian" may have been used by him as a general term for all that was not "pure Greek," yet he does not apply this term to any of the four dialects above alluded to, which he calls also *τρόπους τέσσαρας παραγωγέων*; these were without a doubt a patois, varying according to the barbarian tribes amongst which the emigrants had settled. But there is another passage in Herodotus, l. viii. c. 135, which seems to warrant us in attaching a more decisive meaning to the word "barbarian," as applied to a language. In the account of the oracle of the Ptoan Apollo, near the

lake Copais, it is stated that the Carian emissary of Mardonius was accompanied by some Thebans, when he went to consult the oracle, and that the priestess, to the great astonishment of the Thebans, replied in a "barbarian tongue instead of Greek," βαρβάρου γλώσσης ἀντὶ Ἑλλάδος: this was perfectly unintelligible to all but the Carian, who recognised in her words his mother tongue. These expressions are too strong to admit of our considering the Carian a mere patois of the Greek. The priestess possibly in this case was herself a Carian, as the interpreters that we read of in Greek history were generally of that nation, and a person acquainted with more languages than one would be a desirable candidate for the prophetic office. The term δίγλωσσοι, which is applied to such interpreters, need not be limited to persons who spoke only two languages, as Dr. Arnold very justly observes; so that no argument can be grounded on this word to prove that the Carian envoy of Tissaphernes in Thucydides, l. viii. c. 85, knew only Persian and his own language, and therefore must have been intelligible to Greeks, when speaking Carian. If however Thucydides meant that the two languages were Greek and barbarian, the expression is borne out by a similar one in use in modern days, as at Madras a native interpreter is called Do-bhashi, which signifies, one who can speak two dialects: here the distinction is between Telegu, the dialect of the natives, and European, European being the general term to the native of that country, as barbarian was to the Greek: the interpreter, however, in this case, may speak more than one European language, as there are French as well as English settlements in the Carnatic. The Carians, however, are called in Homer, βαρβαροφάνοι, and the Caunians, whose language had become assimilated to theirs, were either ἀπτόχθονες, according to Herodotus, or Pelasgians, according to Pausanias and Strabo, and therefore in either case,

according to Niebuhr, not Greek. The Carians were said to be a distinct race from the Leleges, the latter being probably of more direct Pelasgian origin, having come to the continent from the isles of the Ægean, whilst the Carians are supposed to have passed over into Asia at a much earlier period with the Mysians and Lydians, being Bœotian Thracians, a tribe of Pelasgians quite distinct from the subjects of Teres, and akin to the northern Pierians. Such is the opinion of Müller which Mr. Thirlwall adopts, and on this supposition we may find another solution for the problem regarding the oracle; that the priests still retained some relics of the ancient language used by the old Pelasgian inhabitants of the country, which was now entirely a sealed book to the Thebans, but which, for an oracle, might be sufficiently intelligible to the Carian.

Mr. Clinton takes up a bolder position than Mr. Thirlwall, and considers himself justified in rejecting entirely the inference which Herodotus has deduced from the dialect of Croton and of Placia, and seems to consider that Niebuhr is guilty of inconsistency in afterwards stating that "there was an essential affinity between the Pelasgi and the Hellenes." But when Niebuhr says that the language of the Pelasgians was peculiar and not Greek, no more need be inferred from his words than that he conceived that the one was not a mere dialect of the other, just as it might be said that the Oscan language was not Latin: in other words, the difference between the two was sufficiently great to constitute "a variety of language, and not merely of dialect;" and yet, both being derived from the same primitive stock, and the characters of both being formed from the same Asiatic alphabet, whence all the modes of writing used in Europe are derived, there was a kindred element in each, which would furnish a principle of union. Had there, however, been as great a difference as between the

Etruscan and the Oscan, or the Illyrian and the Greek, the magical power of the Greek language would have been exercised in vain upon the Pelasgian. We should probably not have heard of that magical power at all, if the Greek language had come in contact with the Celtic or the Slavonic, instead of the dialects of Asia, all of which probably, as well as the Greek, were deduced from the same primitive Asiatic tongue.

If we feel inclined to adopt the theory of Niebuhr as to the Pelasgians having been at one time a widely-extended nation, occupying the whole country south of the Alpine chain, from the Macra to the Rhyndacus, we find a very curious link between the two extremes. The Lycians, who were said to have come from Crete, where there were Pelasgian tribes, traced their genealogies through the female line, which Herodotus remarks upon as a custom different from that of all other nations. It is not a little singular, as Sir William Gell remarks, "that the Etruscans, if we may judge from their sepulchral inscriptions, where the name of the mother is usually mentioned, seem to have done the same." But if the tombs at Vulci are to be considered as a part of the necropolis of Vetulonii, these and the tumuli of Tarquinii must have been the work of the Tyrrhenian Pelasgians before the Rasena overpowered them. This idea is confirmed by the resemblance of the tumuli at Tarquinii to that of *Æpytus* in Arcadia; so that the existence of this peculiar custom amongst these two nations, so remote from each other, might be owing to the Pelasgian origin of them both, and to the circumstance that being on the extreme frontier, they were beyond the influence of that Hellenic vortex of civilisation, which, according to Herodotus, engulfed so rapidly and unresistingly the Pelasgians and a great part of the tribes on the coast of Asia Minor.

## APPENDIX B. p. 26.

## ON THE WAR-KINGS OF THE ETRUSCANS.

Turner, in his history of the Anglo-Saxons, Book II. Appendix II., quotes an extract from an ancient Saxon Chronicle, which when translated runs thus: "Twelve Ethelings governed over the land of the Saxons; and whenever war arose in that land, the Saxons chose one of the twelve to be king while the war lasted: when the war was finished the twelve became alike." This confederacy of the continental Saxons bears a striking resemblance to that of the Etruscans. Cæsar also gives a somewhat similar account of the German war-kings in his time.

## APPENDIX C. p. 32.

ON THE SAMIAN SETTLEMENT AT DICÆ-  
ARCHIA.

According to the Chronicle of Eusebius, the Samians settled at Dicæarchia in Ol. 64. 4, about the first year of the reign of Darius. At this period it was already inhabited by the Cumans. The intimate connection between the Chalcidians and Samians, being a kind of offensive and defensive alliance, which their joint enmity against the Milesians and Eretrians had cemented, would easily account for the Samian fugitives, after the failure of the Lacedæmonian expedition for their restoration, directing their flight to a country where their Chalcidian allies had already established themselves. This circumstance is not noticed by Herodotus, who represents them to have settled at Cydonia in Crete, and to have been there subdued by the Æginetans, and led into captivity with the Cretans. It was probably a detachment of these that

escaped and made its way into Italy, for the five years, which had elapsed between the war of the Lacedæmonians against Polycrates and the victory of the Æginetans, would bring down events to Ol. 64. 4.

#### APPENDIX D. p. 71.

##### ON THE FOUR IONIC TRIBES.

The question respecting the four Ionic tribes being castes, against which Niebuhr seems inclined to decide in the negative, has been ably discussed by Dr. Arnold in the third Appendix to the first volume of his *Thucydides*. He there shows that the probability is in favour of their having been castes, the Geleontes being the priests, the Hopletes the warriors, the Argades the workmen or handicraftsmen, and the Ægicores the herdsmen or shepherd-people of the highlands. The order in which the tribes are placed does not appear to be so unquestionably decisive of their rank as Niebuhr supposes. Strabo, for instance, arranges them thus : γεωργοί, δημιουργοί, ἱεροποιοί, φύλακες, yet no one would infer from this that the priests and soldiers were below the handicraftsmen. It is true, as Niebuhr remarks, that both in Herodotus and in the Cyzicene inscription, the Geleontes are the first, and the Hopletes the last, but no argument can be founded on this, since the Ægicores are placed by Herodotus before the Argades, while the Argades precede in the Cyzicene inscription the Ægicores. In the *Ion*, however, of Euripides, the sons of Ion are arranged in the following order ; Teleon, Hoples, Argas, and Ægicoreus. The hypothesis of these tribes being castes would be justified by such an arrangement, and Euripides may have adopted it from a more correct idea of their nature, and of the poetical character of their descent from Ion. If, now, we had sure grounds for believing that the divisions of caste, such as we see in

the four tribes of Dgianschid in Persia, or the four pure Hindu castes, existed amongst any of the Greek races, we might be inclined to doubt likewise, the explanation which Herodotus gives of the change effected at Sicyon by Clisthenes, which furnished the model after which his grandson converted the four genealogical tribes of Athens into ten local divisions.

## APPENDIX E. p. 73.

## ON THE NUMBER OF THE AUGURS AND THE PONTIFFS.

If the pontifical law, and the institutions which related to auguries, were grounded on the religious books of the Sabines, we should be furnished with a clew to the reason, why the augurs and pontiffs continued to be four, when the number of the Vestals was increased to six. Four was the fundamental number of the Sabellian race, which pervaded both their religious and their political institutions; and if these offices were of Sabine origin, there might be religious scruples against any alteration in their number. On the other hand, if the worship of *Vesta* was derived from Alba, and was of Tyrrhenian origin, the same objection would not hold good against the increase of the number of the Vestals, and we thus find them increased to six, on the admission of the *Luceres* to the senate, being one for each of the patrician centuries, the *Sex Suffragia*.

## APPENDIX F. p. 76.

## ON THE HOMERIDÆ AT CHIOS.

This opinion of Niebuhr, that the Homerids were a house at Chios, whose peculiar name was derived from *Homerus*, merely as their Eponymus, is controverted

by Mr. Clinton in his Appendix to the first volume of the *Fasti Hellenici*. Mr. Clinton seems to consider them as a family or rather school of rhapsodists, who acquired their name from their functions of singing the poems of Homer. This question depends, in a certain degree, on the personality of Homer, and on the date of the poems called after his name. That the Homeridæ claimed descent from the poet, and that they were rhapsodists, are both certain, but it is by no means clear which of these facts was consequent on the other. That they were rhapsodists is undeniable, but their descent from the poet was impugned, and Saleucus, according to Harpocration, asserts, that they were the offspring of certain youths and maidens, who had been given up as pledges (ἐμνηρα) of peace at the conclusion of a civil war at Chios. According to this supposition the descendants of these Homeri may either have formed a caste of bards or minstrels, something like the Cháran or Bhát caste of Rajast'han, or have been the nucleus for an order like that of the bards of Germany and Britain, and their chief epic songs may have been the lays on which the Homeric poems were founded. Cynæthus the Chian, one of these rhapsodists, is said by the Scholiast on Pindar to have composed the Homeric hymn to Apollo, and his school was accused of having marred the original poems of Homer by the insertion of much of their own composition: by which it seems to be meant that they collected the several lays, and connected them together by interweaving with them their own poetry. If we admit this hypothesis the poem owes its name to the rhapsodists, and not the rhapsodists their name to the poem. We may learn the decided character of Niebuhr's opinion on this point from a paper of his translated in the Cambridge Philological Museum. He there says that "not only are the Homerids not to be regarded as Homer's descendants, but Homer himself was no more a historical person than any other hero, the Eponymus

of a house: that consequently he must necessarily be considered, according to what Aristotle, who always saw every thing aright, wrote concerning his birth, as the son of Apollo and a nymph, and that every story, which brings down his sacred name to the level with an ordinary mortal, is of the same stamp with the one concerning Romulus, which I have endeavoured to explode. And so the only objection to be made to these wonder-working investigations, in which the higher branch of criticism has reached its perfection, seems to be, that Wolf, from over-timidity, allows Homer to retain a historical human personality, and stands up for his being the author of a part of the Iliad, of which indeed he seems to have imagined that he could pretty nearly mark out the limits. That the Iliad and Odyssey are separated by a wide interval, is a point on which there will soon be no difference of opinion, unless philology meets with some calamitous blight to cut off its present flourishing promise."

The Homeridæ may thus have derived their name simply from their functions of being the "fitters together of songs," *ῥαπτῶν ἐπέων τὰ πῶλλ' αἰδοῖ*, from *ἔμειν* and *ἄρω*; and at the period when history was still nurtured in the cradle of tradition, when the progenitor of each race or tribe was sought for in its Eponymus, and the personality of such a character was attempted to be proved by the analysis of the name of the race or tribe, the origin of the name of the bards of Chios may have been then for the first time referred to a person who was "revered by the Ionians as a hero at the time when Chios received its laws," or whose existence was merely ideal, and due only to the imaginative fancy of some etymologist.

## APPENDIX G. p. 79.

ON THE TENURE OF THE PREDIAL CLIENTS,  
AS DISTINGUISHED FROM THAT OF THE  
PLEBEIANS.

The lands which were assigned by patrons to their predial clients were portions of their possessions, or of those public lands of which they enjoyed the 'usus,' while the state received the 'fructus' in the form of the 'vectigal;' but the tenure of these lands was precarious, and in this respect far inferior to the tenure of the plebeians. The latter were a kind of free socage tenants, holding 'in capite' of the state, paying a money rent, and liable to serve in its defence; the predial clients, on the other hand, held 'in mesne' of individuals, paying generally a produce rent, and were not liable to military service. The law of debtor and creditor in its early form at Rome before the Pætelian law, as well as the privileges of the patricians and their dependents over the plebeian order, had a tendency to drive the plebeians into the clientry of the patricians. In this then there were two evils. The first was of a domestic character, as the soil was no longer cultivated so highly, and hence was less productive. This result was owing, partly to the precarious nature of the tenure not supplying such strong motives of interest in the good cultivation of the soil as a proprietor would feel, and partly to those causes, which are found still to be in operation, wherever produce rents exist, whether metayer or ryot. The second evil had reference to the foreign relations of the republic, as the body of infantry, which was liable to be called upon to take the field in her defence against an invader, was daily diminishing in numbers. To meet this evil, and to furnish to the growing population both an interest in the preservation of the state, and the

means of subsistence for themselves, assignments of property were made from time to time in the state domain, as it became enlarged by the accession of conquered territory, according to the principle of the agrarian law as established by Servius Tullius, and revived by Sp. Cassius. On receiving such an assignment, a client, or a simple *ærarian*, was enrolled in one of the local tribes of the commonalty, and thereby became, by virtue of his tenure, a plebeian. On the other hand, by the removal of his name from the censor's register, in which he was enrolled as the proprietor of a certain allotment, and responsible for the tribute, if called for, from that allotment, he was reduced to the ranks of the *ærarians*; or he might resign his allotment by a voluntary act on his own part, and by enrolling himself as the client of a patrician, shield himself from any civil prosecution of his brother-plebeians. The Licinian law, by preventing the patricians from 'possessing' more than 500 acres of the public lands, set a limit to their means of inducing the plebeians to enrol themselves as predial clients under them, or, in other words, checked the temptation which existed for the small allodial proprietors to convert themselves into feudal tenants. The object of the law of T. Gracchus was to grapple with a far greater evil, as the great possessors in his days no longer cultivated their boundless tracts of public lands by clients, but by slaves. The agricultural population was now composed of those who paid a labour rent instead of a produce rent, and, as may easily be imagined, all the evils which the system of serfage in the east of Europe possesses over that of the metayer tenure in the west, were in full operation. The wise foresight of Tiberius was, unfortunately for his country, rendered of no avail by the Thorian law. The result of such a state of things was so great a falling off in the productiveness of the soil, that in the time of Columella the fecundity of the earth itself was supposed to be enfeebled by some strange and un-

known cause, and its powers to be decaying from the decrepitude of old age. (Vide Jones *on Rent*.)

#### APPENDIX H. p. 79.

##### ON THE ANALOGY BETWEEN THE FEUDAL TENURE AND THAT OF THE CLIENTS.

Amongst the observations which Blackstone makes in his Commentaries on the resemblance which the lord and vassal of the feudal system bore to the patron and client of the Roman republic, he notices this point: that there were three aids which were usually raised by the clients, viz. to marry their patron's daughter, to discharge his mulcts and fines, and to ransom his person from captivity. Two of these were amongst the feudal aids, as retained in England by Magna Charta; that, however, for paying the patron's debts was represented by an aid for making the lord's eldest son a knight. The custom, however, of 'personal commendation,' (vide Hallam's *Middle Ages*,) furnishes us with a relation more closely resembling that of the patron and client than the feudal tenure, inasmuch as some clients, who practised handicraft trades, held no lands of their patron. The footing on which this latter class stood exactly corresponded to that of 'commendation,' where a certain payment, termed 'salvamentum,' (vide Du Cange) was made to the lord in return for his protection.

#### APPENDIX I. p. 88.

##### ON THE GAMES OF THE ETRUSCANS.

Niebuhr here asserts, that of the contests which drew the Greeks to Olympia, none but the chariot-race and boxing were practised by the Etruscans. In consequence of this observation the learned author of the

Topography of Rome is inclined to undervalue Niebuhr's 'History,' as since its publication some pictures have been discovered in one of the chambers of the Tumuli at Tarquinii, in which "wrestling, leaping, running, boxing, chariot-races, horse-races, cudgel-playing, and riding at the ring are represented." But it is not by any means certain that these paintings are Etruscan either in their design or their execution. On the contrary, the author of the Topography himself states that Grecian subjects were preferred in this part of Etruria to others, as is proved by numberless sculptures, and by at least two thousand of the vases recently discovered in the Necropolis of Vulci. What, then, if these tombs were Tyrrhenian, or, as seems probable, Greek, or at least the paintings in them executed by Greek artists, since every work of art at Tarquinii bears the stamp of Greek taste?

## APPENDIX K. p. 93.

## ON ETRUSCAN PROPER NAMES.

From the frequency with which the name Tanaquil occurs in Etruscan sepulchral inscriptions, we may infer that it was a female title of honour, analogous to that of Lucumo for a man; and that the Romans, from their ignorance of the Etruscan language, considered it a proper name, as they did Lucumo, Lar, and Aruns.

## APPENDIX L. p. 96.

## ON THE ETRUSCAN ORIGIN OF ROME.

Niebuhr insists on this point the more fully as in his first edition he was "inclined strongly to suppose that Rome was of Etruscan origin, and even started the conjecture that it might be a colony from Cære." Sub-

sequent reflection, however, brought to him the conviction that the Etruscan character of the ancient Roman nation might be intelligibly accounted for by that "operation of Etruscan influence upon Rome, which by the Romans was implied under the government of the first Tarquinius, and by the Etruscans under the settlement of the army of Cæles;" whilst there was so much in the Roman state that was peculiar to Rome and Latium, as to be incompatible with the supposition of Rome being an Etruscan colony.

#### APPENDIX M. p. 97.

##### ON THE PEPERINO AND TRAVERTINO OF THE ITALIANS.

Mr. Lyell in his *Geology* defines "peperino, as an Italian name for a particular kind of volcanic rock, formed, like tuff, by the cementing together of volcanic sand, cinders, or scoriæ, etc." It may be distinguished, however, from the latter, according to Von Buch, by the whole mass being fresh, undecomposed, and bright to the eye, whereas in tuff the greater part is dull and has the appearance of having been acted upon by the weather. Some varieties of it are highly calcareous, full of shells and extremely hard, being capable of a high polish like marble: it preserves, almost uniformly, an ash grey colour, whilst the tuff of Rome is generally darker. It differs from lava in the latter having issued from the volcano in a melted state.

The peperino which the Romans employed in the time of the kings is supposed to have been quarried at the Alban mount or in the neighbourhood of Gabii, and to have been generally known by the name of Alban or Gabine stone. Specimens of it may be observed in the remains of the temple of Jupiter Latiaris on Monte Cavo, in the theatre and temple of Juno at

Gabii, and at Rome in the Mamertine prison and the Tullianum, as well as in the wall of Servius on the right hand of the exit at the Porta Capena.

The origin of all this formation, according to Dr. Daubeny, must have been antecedent to that calcareous deposit known under the name of 'travertino,' a corruption of the term 'tiburtino,' the stone being found in great quantity near the river Anio, at Tibur. This latter is a fresh-water formation, and is supposed to arise from the carbonic acid derived from the volcanic regions beneath, which, passing with the water through the calcareous strata, whilst it dissolves as much lime as it can take up, gives off the excess of carbonic acid under diminished pressure in the atmosphere, and causes the carbonate of lime to be deposited in the form of travertino. The incrustation produced by the waters of the Anio at the present moment, and that which takes place in the Lago di Solfaterra, near Tivoli, are of an analogous nature. Most of the edifices of ancient and modern Rome are built of this material: it is of a brownish tint, and may be observed to the greatest advantage in the Coliseo, and in the three great palaces raised out of the wreck of that edifice, the Cancelleria, the Palazzo di Venezia, and the Farnese palace.

#### APPENDIX N. p. 99.

##### ON THE THREE NEW EQUESTRIAN CENTURIES OF TARQUINIUS PRISCUS.

If these three new equestrian centuries may be considered as made up chiefly of those, who by marriages of disparagement had lost caste, and hereby recovered it, it will account in some respect for the statement in the legend, that Tarquinius himself was the offspring of an Etruscan marriage of disparagement. We can easily understand why the patricians should object to

the formation of three new tribes of houses, and prefer that the three old tribes should have their complement of houses filled up. If we admit that the houses were the units, the votes of which were taken in each cury, and the curies the units in the assembly, all chance of a decided preponderance in that assembly would have been taken away from the old houses by the creation of an equal number of new ones to form three new tribes: whereas, if we suppose that the diminution in the number of houses was not the same in all the thirty curies, but that the majority had lost less than half their original complement, the 150 new houses, if distributed proportionally to the deficiency in each cury, would not deprive the old houses of their preponderance, in consequence of the curies, and not the houses, being taken as the units in voting in the assembly.

#### APPENDIX O. p. 115.

##### ON THE CENTURIES OF SERVIUS TULLIUS.

According to the principle assumed by Dionysius, the votes allotted to each class, that is, the centuries of each, as the centuries were the units in the assembly, "bore the same proportion to the collective sum of the votes, as the taxable property of its members bore to the total taxable property of all the five classes, and the numbers of the citizens contained in each stood in an inverse ratio to the numbers that designated their property." The following table will show the relation that the classes bore to each other according to Niebuhr.

Classes.	Votes or Centuries.	Ratio of the fortune of the whole class.	Fortune of the individuals.	The number of individuals in each who stood on a level.	Ratio of the number of citizens in each class.	Numbers.
1.	80	1	100,000 ases.	3	1	6000
2.	20	$\frac{1}{4}$	75,000	4	$\frac{1}{3}$	2000
3.	20	$\frac{1}{4}$	50,000	6	$\frac{1}{2}$	3000
4.	20	$\frac{1}{4}$	25,000	12	1	6000
5.	30	$\frac{3}{8}$	12,500	24	3	18,000
						<u>35,000</u>

The first and second columns of this table require no explanation. The third column is merely the numerical expression of the correspondence in the proportion of the votes and the taxable property of each class, as laid down by Dionysius. The fourth column is the amount of property which entitled each individual to a place in his class. There may be observed a slight difference between this table and that of Livy, as with him the census of the fifth class is 11,000 ases. The regularity of the scale is in favour of the statement of Dionysius; and we may perhaps account for Livy's mistake by his having found somewhere, that the difference between the limit of the fifth class and that of the proletarians, whose property, according to Gellius, was under 1500 ases, amounted to 11,000 ases. The fifth column gives us the number of individuals in each class who stood on a level, taking an average, in point of fortune; thus  $3 \times 100,000 = 4 \times 75,000$ , and so on. The sixth column is rather more involved: it gives the ratio of the numbers of citizens in each class, and may be thus explained. The aggregate property of four persons in the second class was

equal to that of three in the first, or,  $75,000 \times 4 = 100,000 \times 3$ ; therefore  $\frac{75,000 \times 4}{3} = 100,000$ . But the fortune of the whole second class was only equal to one-fourth of that of the whole first,

$$= \frac{100,000 \times 1}{4} = \frac{75,000 \times 4}{3 \times 4} = 75,000 \times \frac{1}{3} :$$

that is, if the unit be taken to represent the numbers in the first, the fraction  $\frac{1}{3}$  will represent those of the second; and thus the numbers in it will be just one-third of those in the first. Again, the property of six persons of the third class was equal to that of three of the first, or  $50,000 \times 6 = 100,000 \times 3$ ; therefore  $50,000 \times 2 = 100,000$ : but the fortune of the whole third class was equal to one-fourth of that of the first,

$$= \frac{50,000 \times 2}{4} = 50,000 \times \frac{1}{2} ; \text{ so that the numbers of}$$

the third were one half of those of the first. In the same way, in the fourth class,  $25,000 \times 12 = 100,000 \times 3$ , or  $25,000 \times 4 = 100,000$ ; but the whole fortune of the fourth was only one-fourth of the first,

$$\frac{25,000 \times 4}{4} = 25,000 \times 1 : \text{ that is, the numbers were}$$

just equal to those in the first class: and by a similar calculation, in the fifth the numbers come out to be three times as great as those of the first.

Niebuhr adopts 6000 as the numbers of the first class, as thus the juniors, who were double the number of the seniors, would amount to 4000, and we should then have a reason for the inconveniently large number of forty centuries of juniors. The ancient numerical proportion may also probably contain the reason, why the number of the tribes was raised to just five and thirty and no higher.

## APPENDIX P. p. 116.

## ON THE LAW OF BAIL.

The passage to which Niebuhr refers, is in Aulus Gellius, l. xvi. c. 10. *assiduo vindex assiduus esto: proletario quoi quis volet vindex esto.* On the meaning of this passage there has been much dispute, on account of the various readings in the manuscripts, and the Roman law of bail being involved in much obscurity. The most probable interpretation is that of Gothofredus, which Oiselius adopts, that this was one of the laws of the XII. Tables, passed for the protection of the poorer citizens. In fact, it may be considered as analogous to the statute in our own laws, 1 William and Mary, stat. 2. cap. 1, by which it was expressly declared that excessive bail ought not to be required: the decision, however, as to what bail is excessive was not laid down by our statute, as it was in the Roman code, but is left to the court to determine according to the circumstances of the case. If we refer, however, to the Athenian law, we shall find that in the oath taken by the Athenian magistrates, as quoted by Demosthenes in his speech against Timocrates, there was a clause to this effect: *οὐδὲ δῆσω Ἀθηναίων οὐδένα, ὅς ἂν ἐγγυητὰς τρεῖς καθιστῇ τὸ αὐτὸ τέλος τελούντας.* It would appear from this, that the sufficiency of the sureties was determined by their being the peers, or the political equals according to the census, of the accused party. If then we may be allowed to decipher the meaning of the Roman law by the light reflected from the Athenian code, we may adopt this interpretation, that none below an *assiduus* could be admitted as sufficient surety for an *assiduus*, those of the higher classes a fortiori not being excluded, and that the bail-bond, if I may use the expression, of the *proletarius*, should not be refused for his brother *proletarius*.

## APPENDIX Q. p. 117.

## ON THE ROMAN COINAGE.

It is stated by Niebuhr, that the denarii were originally minted of the same weight and value as the Greek silver coin, and hence, even after they had been clipped and debased, they still retained, at least in the language of books, the Greek name of drachmæ. From an assay made of a quinarius of apparently very early date in my own possession, the value of the denarius of sixty grains weight, compared with our own silver currency, appears to have been nearly eight pence three farthings; whereas the Attic drachma of sixty-six grains and a half weight is computed, from the assay of three drachmæ of different ages, to have been from nine pence half-penny to nine pence three farthings in our silver, and that of Corinth or Syracuse, from the analysis of a didrachma made at the same time with that of the quinarius, to have been about equal to the lowest value of the Attic. The proportion of alloy in the quinarius was found to be only half of that in the didrachma. The comparison between the current value of Greek and Roman coins can only be made by ascertaining their exchangeable value in corn and cattle, to which some clew is given by the valuation of fines in both countries, but the ground here is too debateable to venture upon in this brief notice. With regard to the diminution in the weight of the As, since that coinage must form the basis of any calculation as far as the Roman currency is concerned, it appears from the data which are accessible, that ten of the heavy ases, no less than of the lighter, may on the average be taken for the equivalent of the drachma. That the number of ases in the denarius was increased to sixteen was owing to the circumstance, that when the weight of the As was reduced to one ounce, too high a value would have been

given to copper in proportion to silver, had the old number of ten been retained: and the quæstors of the treasury preferred the alternative of increasing the number to that of giving a fractional value to the As of one ounce and six-tenths.

APPENDIX R. p. 138.

ON THE PROBABILITY THAT MUCIUS SCÆVOLA  
WAS A PLEBEIAN.

If we may be allowed to argue in this case from analogy, the general tenor of the Lay of the Tarquinii is somewhat in opposition to the hypothesis of Niebuhr, and in favour of the idea, that the hero who attempted to deliver his country from the invader was a plebeian, and therefore might have been a Mucius. In the antecedent part of the old poem, we find that the plebeians are represented at the establishment of the new constitution by Brutus, and the three patrician tribes by Lucretius, Valerius, and Tarquinius Collatinus. A similar distribution of parts seems to be still kept up in the account of the stand made in defence of that constitution, as the three patrician tribes are represented by Sp. Larcus, T. Herminius, and Horatius Cocles, who guarded the outworks of the bridge. When these had discharged their duty, it was natural that the champion of the plebeians should come forward to perform his share. As to his being styled a patrician by Dionysius, and noble by Livy, these terms mutually explain each other, and may be interpreted according to the meaning which they bore at the time when these authors wrote. The 300 'principes juventutis Romanæ' belong to the poem; they are merely the noblest young men of the state: we have here again the number which is for ever recurring, as far as the old poem extends. The 'Mucia prata' are certainly in favour of the hero having borne

the name of Mucius. As for his reward being less splendid than that of Cocles, this need not trouble us, as Polybius writes that Cocles perished in the river.

A somewhat similar conjecture may be hazarded with respect to the twenty hostages, that they were twenty noble plebeians, a hostage for each tribe, the offspring perhaps of the leading family in each. It was an obvious act of precaution in Porsenna, after confiscating the property of ten of the tribes, to exact hostages from the remaining twenty: particularly if the tradition be true that the Romans paid at one time a tenth to the Etruscans; as this must have been raised on the districts, of which the twenty tribes retained possession. As for the names of Clœlia and Valeria, which occur in the two different stories so clumsily mixed together by Dionysius, that of Valeria may be dismissed to the winds with the story to which it belongs. Clœlia is possibly a name of history, but the Clœlii were an Alban family incorporated by Tullus, and therefore belonged to the Luceres; so that this name, if it be received as a patrician one, does not harmonize with Niebuhr's theory, that the hostages referred to the twenty curies of the two first tribes. Livy says nothing of the order to which the hostages belonged. Clœlia, however, may have been the offspring of a marriage of disparagement, as marriages of that kind were frequent even at this time, particularly between the Luceres and the plebeians, as we may infer from the mother of the plebeian Brutus being a Tarquinia. On this supposition, a member of such a family would be peculiarly selected as a hostage, inasmuch as it was the ambition of the offspring of such marriages, whose ambiguous position disinclined them to repose, and whose numbers gave them power, that had been for some time disturbing so universally the peace of the aristocratical republics.

## APPENDIX S. p. 146.

## ON THE NEXI AND THE ADDICTI.

The distinction between the 'addictus' and the 'nexus' may be illustrated by that which exists in modern times between the Russian and Hungarian serf. In Russia, since the reign of Czar Boris Godounoff, who ascended the throne in 1603, the personal bondage of the peasant has been complete. He is, 'by law,' with all his family and descendants, the slave of his lord. In Hungary, on the other hand, by the Urbarium of Maria Theresa, personal slavery and attachment to the soil were abolished, and the peasants declared to be 'homines liberæ transmigrationis.' An interest likewise in the soil was attempted to be secured to them as a body, since the lands on each estate, which were before allotted to their maintenance as serfs, were declared to be legally consecrated to that purpose for ever, and portions called 'sessions' were allotted to the peasants in return for a fixed labour-rent. Yet the necessities of the peasants frequently oblige them to resort to their landlords for loans of food, and they 'voluntarily' become laden with heavy debts to be discharged by labour. Their condition is thus rendered little better than that of the Russian serf, as the proprietors retain the right of employing them at pleasure, paying them, in lieu of subsistence, about one-third of the actual value of their labour. *Vide Jones on Rent.*

## APPENDIX T. p. 169.

## ON THE LEAGUE WITH THE LATINS.

As it is merely a conjecture on the part of Niebuhr, that the command of the confederate armies alternated

yearly between the Romans and Latins, another hypothesis may be suggested as perhaps more probable; that, as was the case in the treaty of the Athenians with the Argives and their allies, it may have been stipulated that the command of the combined forces should rest with the general of that party, which called in the assistance of its allies. Thus in the case when the Romans summoned the Latins to their assistance, the Roman commander would have the direction of the movements of the united armies; and when the Romans sent succours to the Latins, the Latin prætor would head the joint expedition. On this hypothesis we may explain, why in the war against the Volscians of Antium, U. C. 261, the name of the consul Post. Cominius, as the general, should not have been handed down. Livy assumes, that the fact of Sp. Cassius alone having concluded the treaty with the Latins, is of itself decisive evidence that his colleague Cominius commanded in the expedition against Corioli, of which C. Marcius reaped all the honour. Now Cominius was most probably absent from Rome, to ratify the league wherever the Latin chiefs were assembled, whilst Sp. Cassius remained in the city to receive the deputies from Latium. If then the purpose of this expedition against Antium was to revenge an invasion of the Latin territory by the Volscians, in which case the Roman troops were present as auxiliaries at the summons of the Latins, the supreme command would be vested, according to the hypothesis suggested above, in the Latin general, and the Roman detachment would naturally be under the orders of a subaltern officer, such as C. Marcius is represented to have been in Livy's narrative.

## APPENDIX U. p. 176.

## ON THE EXILIUM OF THE ROMANS.

'Exilium' was not a punishment at Rome before the *lex Calpurnia de ambitu*, which was passed in the year 686 of the city. Before that time it was simply the act, whereby a man renounced the freedom of his own city by taking up his municipal franchise elsewhere, and thereby withdrew himself from his trial before the court to which he would otherwise have been amenable. This then was an entirely voluntary act on the part of the exile, who might return again to his mother city at his pleasure, and recover his rights as a Roman citizen by the process of '*postliminium*,' unless a sentence of '*interdictio aquæ et ignis*' had been passed against him. The indirect effect of this was to banish him from the city, as he was out of the protection of the law. This sentence was taken off when an exile was allowed to return: it did not of itself involve the loss of civil rights, unless the fugitive should have attached himself to a city which had a sworn treaty of isopolity with Rome. It was not, however, in every case that the permission to elude punishment by voluntary exile was allowed; as the prison at Rome was a place of custody, and not of punishment, and was destined for those whose crime was either flagrant or enormous. *Carcerem vindicem nefariorum ac manifestorum criminum majores esse voluerunt*, Cicero *Catilin.* ii. 12, where *vindex* means a surety in the legal acceptance of the word. The *exilium* of the Romans seems to have answered the same political purpose as the ostracism of the Athenians, and the *petalism* of the Syracusans. Without some such institution, the existence of the aristocratical republics would have been in daily peril from the designs of the ambitious or the turbulent. If we compare these three institutions, the

Roman seems in some points to be superior to the other two. It was less indiscriminate in its operation, as it was requisite that some definite charge should be brought before the assembly; it was less likely to be executed unjustly, as the interdict was never passed till the accusation had been proved, or the accused party, by withdrawing himself, had as it were confessed his inability to rebut the charge; it was likewise better calculated to preserve the peace of the state, as the accused might voluntarily withdraw himself, and thus obviate the evil effects of a trial of strength between his own party and his opponents. It is a curious coincidence that the number of citizens in the first class, whose decision in early times, if unanimous and in accordance with that of the knights, was sufficient to carry the question, probably amounted to exactly 6000, the number of votes which was requisite at Athens, in order that a sentence of ostracism should be valid.

#### APPENDIX V. p. 190.

##### THE INSCRIPTION RESPECTING MUCIUS AND THE NINE CONSULARS.

The inscription to which Niebuhr refers occurs in Festus immediately after 'Novalis ager.' The commencement of it has been filled up in the edition of Scaliger with the words 'Nautii consulatu', instead of those which Niebuhr suggests, 'Novem adversarii.' The letters in Italics are from Niebuhr's correction.

*Novem adversarii* T. SICINII VOLSCI  
cos. cum conjurationem INESSENT ADVERSUS  
*Eum, a pop. R. vivi in Circo* COMBUSTI FERUNTUR,  
*et sepulti in ea regione, quæ est proxime cir-*  
*cum, ubi locus est lapide albo* CONSTRATUS.  
*Eorum nomina fuerunt,* OPITER VIRGINIUS  
TRICOSTUS, . . . Valerius LÆVINUS, POSTUMUS CO-

*minius Auruncus* . . . . *LLIUS TOLERINUS*, *P. Vetusius Geminus*, . . . *Sempronius ATRATINUS*, *Virginus Tricostus* . . . . *MUTIUS SCÆVOLA*, *SEX FUSIUS FUSUS*.

“The deficiency in the eighth line ought probably to be supplied with *Aquillius*. The *Virginus* whose proper name is wanting, must be *Titus*, the consul of the year 258, since *Aulus*, who was consul in 260, was one of the *decem primi*.” Niebuhr’s own words are the best commentary on the restoration of the passage. “My restoration is like that of a statue by the hand of a sculptor who has seized the idea: such a thing can no more be established by arguments than any intuition: its certainty results from its completeness: nor is its credibility impaired by our finding that these shreds of lines turn into a most unlooked for and important story.”

#### APPENDIX W. p. 202.

##### ON THE STATUE OF SP. CASSIUS.

There is hardly any point more perplexing in the history of *Sp. Cassius*, than the statement about this statue. It was a statue of *Ceres* set up in the temple of that goddess, which contained the coffers and archives of the commonalty, and which was under the immediate control of the *ædiles*, a plebeian magistracy. Yet it was said to bear an inscription, recording that it was dedicated out of the fortune of *Cassius*. This would, at first glance, imply that his property had been confiscated by the assembly of the plebs, and, as was usual in the case of state criminals, had been paid into their treasury. The whole story would then be a riddle, as he was condemned by the *curies* for his efforts in behalf of the plebs. But I cannot help venturing a conjecture, that it was not the most obvious mode of

dishonouring the memory of Cassius, for the plebeians to raise a statue to their patron goddess, and to commemorate the fact that his fortune had been employed on such an object. It may have been a statue raised by the commonalty in their temple, during the lifetime of their patron, out of the spoils of his three triumphs, or the other wealth which he had distributed amongst the needy; which distribution may have given cause for the tale of his having brought forward the proposition to repay the money, which had been exacted by the patricians from the commonalty, for the corn which had been sent as a present from Sicily. I am myself, however, more inclined to think, that, as had been the case with the property of Tarquinius, the patricians most probably, on the death of Cassius, as a set off against the wrath of the commonalty, assigned his fortune to be distributed in largesses to them. As however, on the former occasion, the indignation of the plebeians prompted them to throw the corn of Tarquinius into the Tiber, so in this case their regret and reverence for the memory of their benefactor may have induced them to dedicate with his wealth this statue of their patron goddess with an inscription, stating the source from which the money had been derived. The story would be readily inverted by the historians, who adopted the idea of his having been condemned by the court of the commonalty.

#### APPENDIX X. p. 208.

##### ON THE SETTLEMENT OF THE FABII AT THE CREMERA.

Although Neibuhr's explanation is perfectly satisfactory, it might perhaps be suggested, that Quintus Fabius remained at Rome to perform the sacrifice on the Quirinal, which was peculiar to the Fabian gens. The great importance which they attached to the due per-

formance of this is evident from the incident, which Livy recounts, during the occupation of the city by the Gauls. This supposition would be the more probable, if the settlement on the Cremera was intended to be permanent. The change in the policy of the Fabian house may be easily accounted for, without supposing that Quintus persisted in the previous sentiments of his house, and therefore separated from them. Before the disaster on the Cremera, the power of their house inclined as well as enabled it to patronise the commonalty; its subsequent weakness disinclined as well as disabled it from opposing the patricians, nay, it could only recover its position in the state by joining the patrician party. But that the embers of its previous zeal in behalf of the commonalty were still alive, may be inferred from Quintus Fabius, during his consulship, undertaking the part of a mediator between the orders, and suggesting the means by which a compromise was effected of the question in dispute.

#### APPENDIX Y. p. 210.

##### ON THE CHRONOLOGY OF THE KINGS OF SYRACUSE.

The chronology, which Niebuhr adopts with regard to the reigns of Gelo and Hiero at Syracuse, is taken from the Parian chronicle, whose authority, as to Sicilian affairs, he considers to have great weight from its extreme accuracy. The author of the Marbles is supposed by Niebuhr to have had before his eyes Timæus, inasmuch as, besides other reasons, the Sicilian history of Timæus ended in the very year from which the chronicle reckoned backward. The commencement of the reign of Gelo at Syracuse, is placed by the Marbles in the archonship of Timosthenes, Ol. 75. 2. B. C. 478, whilst with Diodorus this year is the epoch of his death, and of the beginning of the reign of Hiero.

Even if the statement of Diodorus were adopted, the comparative chronology of Dionysius could not stand. The chronology which Mr. Clinton adopts in the *Fasts* as a "probable approximation to the truth," is that of Eusebius. The variations, however, are so great in writers on Sicilian affairs, as to the eras of Syracuse and other Greek cities in the island, that it is a hopeless task to attempt to reconcile them, or to elicit the truth by a comparison of their statements. The question therefore seems to depend entirely on the value of the sources from which the Parian chronicle, and that of Eusebius were drawn. The latter most probably represents in a great part the views of Apollodorus, the former those of Timæus. As Diodorus followed Apollodorus, he must be considered as merely speaking with the same mouth as Eusebius. Now the date of the fall of Troy is twenty-six years earlier in the Parian chronicle than that fixed by Eratosthenes, with whom Apollodorus agreed: but the date of Eratosthenes was merely conjectural, a middle point between the longer and shorter computations of preceding writers, which he arrived at by calculating the lengths of generations and reigns; and the subsequent writers who followed him, cannot be admitted as original and independent witnesses. Timæus, as we know, attached the greatest importance to chronology: he was the first historian who arranged events according to the years of the Olympiads, and the archonships, and consulted many original registers and inscriptions in arranging his system of comparative chronology. The period, however, at which he fixed the taking of Troy, cannot be accurately ascertained. Niebuhr adopts the account of Censorinus, and fixes the date of Timæus ten years before that of Eratosthenes, whilst Mr. Clinton is inclined to consider the date of Timæus as nearly coinciding with that of Duris of Samos, B. C. 1335. There is a passage, however, in Clemens Alexandrinus, where he says, that from the

date of the return of the Heraclidæ to the archonship of Euænetus (B. C. 335), there were, according to Timæus and Clitarchus, 820 years, according to Eratosthenes 774, a difference of 46 years. The only reason why two authors of such different reputations for accuracy as Timæus and Clitarchus should be coupled together, must have been that Clemens copied the statement from Clitarchus, who wrote after the death of Alexander; and therefore if he did not make any mistake himself, at least he took the date of Timæus on credit from Clitarchus, of whom Quinctilian says, 'Clitarchi probatur ingenium infamatur fides.' What however if Clitarchus wrote ἑκτακόσια εἴκοσι, instead of ἑκτακόσια, as such an error in a question of chronology would not be surprising in an author whose inaccuracy was proverbial in matters of fact? or what if Clemens made a mistake in transcribing the numbers? we should then have a difference of twenty-six years, exactly that which exists between the Parian chronicle and the canon of Eratosthenes; and we have then the Parian chronicle and Timæus harmonising throughout. On this hypothesis, as the authority of Timæus is so great on Sicilian affairs, that of the Parian chronicle is additionally strengthened, and we may acquiesce with tolerable security in its chronology for the kings of Syracuse.

#### APPENDIX Z. p. 223.

##### ON THE CONNECTION OF PESTILENCES WITH VOLCANIC PHENOMENA.

How far indeed epidemic diseases are connected with electrical affections of the atmosphere, and how far the course of them may in some cases be identified with any linear direction of meteoric and terrestrial phenomena, can hardly be determined in the present day, when our acquaintance with the phenomena of

electricity is only in its infancy, and the attention of observers has hitherto been directed to any other, than electrical, causes of pestilence. The intimate connection, however, if not identity, established between the magnetic, electric, and nervous fluids, would naturally induce us to look for an explanation of some of those widely extended epidemics, which have sprung up and died away equally mysteriously, to some cause more deeply seated than the mere infection of the air or waters, which drought or the decomposition of vegetable matter might have produced. From such causes as these, there is no doubt, that fevers and pestilences of the most malignant character have been generated, but the causes being local, the scene of death has not been widely extended. A far different explanation must be sought for those dreadful sources which occasionally traverse the globe, which smite down the caravan in the desert, and overtake the ship on the wide ocean. The coincidences which Niebuhr has brought forward between the epochs of pestilence and volcanic convulsion certainly deserve attention. The first appearance of cholera is likewise marked by a striking coincidence of volcanic phenomena. "It made its first appearance at Jessore in August 1817. It ravaged Bombay in 1819, traversed the Moluccas in 1822, and in 1830 broke out on the shores of the Caspian. Now in 1816 the islands in the Indian sea were frightfully shaken by earthquakes, and in 1815 there occurred the most awful earthquake ever known, that of Sumbawa, which produced effects felt over an area of 1000 miles in circuit. In 1819 the country of Bombay was ravaged by the earthquake of Cutch. In 1822 Sumatra, Java, etc. were the scene of dreadful volcanic eruptions, and at the end of 1829 the countries on the Caspian were shaken by earthquakes." Such are the words of Mr. Clarke in the *Journal of Natural History*, whose object is to show the intimate connection of volcanic emanations with meteoric phenomena and

prevalent disorders. The same writer who considers the black death of 1341 to have been the cholera, is of opinion that the recent spreading of the cholera in 1833 is to be attributed to volcanic disturbances of very general extent, and much more frequent occurrence than usual.

It may be urged against this theory that no epidemic broke out after the earthquakes of Lisbon, of Calabria in 1788, of the Caraccas, etc.; that an epidemic has rarely been found to attend an eruption of Vesuvius: and on the other hand, that no volcanic phenomena are known to have attended the plague in the reign of Charles II. or the sweating sickness of Henry VII. No person however would deny that pestilences have burst forth without being preceded by volcanic phenomena, and that volcanic convulsions have taken place without being followed by epidemics, but it seems well worthy of our attention, whether, on some occasions, when all ordinary methods of explanation are applied in vain to account for the spreading of an epidemic, it may not have arisen from some great change suddenly effected in the electrical condition of the atmosphere. This by acting upon the human frame through the medium of the nervous system, may produce a general derangement of health in the mass, whilst it is destructive to a great number, who are unable from physical weakness or constitutional idiosyncrasy to accommodate themselves to the change, or at least to exist under the operation of it, till the atmosphere is restored to its ordinary electrical condition.

#### APPENDIX A a. p. 228.

##### A COMPARISON BETWEEN THE LAWS OF ATHENS AND THE XII. TABLES.

If any person will take the trouble of comparing the laws of the XII. Tables, which are preserved, with

the laws of Attica, he will not fail to come to the conclusion that wherever the civil law of the XII. Tables agrees with any law of Solon, this agreement may be referred either to some general principle pervading all laws of that or an earlier period, inasmuch as many of the points of resemblance may be traced back most certainly to the times of the kings, or else it is of so unimportant a character as not to warrant us in attributing the jurisprudence of the Romans entirely to Athenian legislators. With respect to the "rights of persons," there were essential differences between the Roman and Athenian code in all the relations of husband and wife, parent and child, patron and client, master and servant, guardian and ward; the Roman code breathing a much harsher spirit throughout than that of Athens. With regard to the "rights of things," the system of the Romans was peculiar to themselves, particularly in their mode of partitioning landed property and in the 'limitatio;' and if the establishment of a free 'commercium' between the patrician and plebeian orders is to be considered as copied from the Attic system, this may fairly be looked upon as a modification of the political rather than of the civil law. Again, under the head of "public wrongs," we may observe the most striking difference between the two systems, the 'jus exulandi' so entirely Roman, and the 'provocatio' in no respects borrowed from the Athenian code, although at Athens by a law of Solon there lay an appeal from the magistrate's decision, to the courts of justice. Finally, if we consider the subject of "private wrongs," not only many of the principles on which civil injuries depended were essentially distinct, as springing out of the Roman system of landed 'property' and 'possessions,' but the judges, whose jurisdiction extended over such matters at Rome, were constituted in a totally different manner from those at Athens. The Table in which there are the strongest features of resemblance to the laws of

Solon, is the tenth in Gravina's list: it contained the *Jus sacrum*. We may observe in this table some sumptuary laws concerning funerals, which Cicero himself speaks of as '*translata de Solonis ferè legibus.*'

The *Jus sacrum* however was based principally on the Pontifical law, and the laws of Numa, and if we agree with those oriental writers who refer Pythagoras to the reign of Assarhaddon, and thus make him contemporary with Numa, the ancient laws of Numa concerning funerals may have been based on the same principles as the Athenian; the resemblance would be rendered complete by the addition of these sumptuary laws, accordingly as in process of time, there appeared a tendency to excess either in the expense, or lamentation bestowed in honouring the dead. The foundation however of the civil law of the Romans rested on the laws of Romulus, Numa, Ancus, and Servius, and such laws as the consuls from time to time had brought forward. These were, at the time of the decemvirate, like our own municipal law, partly traditionary, as our common law is, and partly written, as our statute law. Of the latter kind were the '*lex Icilia aliæque sacratæ leges.*' The mass of them however were doubtless unwritten, and it was part of the duty of the decemvirs to reduce these into a code. The two last Tables, which Cicero stigmatises in these words, '*duabus tabulis iniquarum legum additis,*' seem to have been chiefly intended for the perpetuation of some of those 'one-sided' laws, the total abrogation of which had been the main object of the establishment of the decemviral magistracy.

## APPENDIX B b. p. 248.

## ON THE DECEMVIRAL COLLEGE AND MILITARY TRIBUNES.

The first college of decemvirs is considered by Niebuhr to have been merely a decury of interrexes, all patricians, whose office had no other limit to its duration than the accomplishment of the commission, which they had received, of drawing up a national code of laws. The second college however was of a totally different character: in this, according to the new constitution, the magistrates of both orders were united in one board, and half of their number were plebeians. This division of the highest offices of the state among a body of ten may be observed in the subsequent history. Thus there were the two quæstors of blood, the precursors of the curule ædiles, who were appointed after 307 by the centuries; and the two censors, whose election was vested in the curies; whilst, according to Dionysius, the military tribunate was from the first to be divided between the two orders, three patricians probably taking the place of the 'tribuni Celerum,' and an equal number of plebeians being associated with them. We do not however find six military tribunes till 350. In the three instances in which we meet with eight names, those of the censors were included in the number of the tribunes by the historians from an oversight.

## APPENDIX C c. p. 255.

## ON THE TRIBUTUM.

The unfair pressure of the land-tax on the plebeians whose allotments of land, however small, were subject to it, whilst the large estates of the patricians, being

only 'possessions,' were not taken into account, has found a parallel in modern times in the state of things in France before the revolution of 1779. The tax there known as the Taille, was a species of poll-tax, from which the nobles were exempt, and was originally meant to be levied according to the 'means' of the contributor; but, as its amount increased, it was calculated according to the 'occupations' of the cultivators of the soil, and fell exclusively on the metayer tenants. These formed a portion of that third estate described by a French Jurist fifty years before the administration of M. Necker as '*la gent corvéable et taillable à merci et miséricorde.*' In consequence of this burden being continually increased, the portion of the cultivators became so much diminished, that they were reduced at last to the most profound misery, and in many cases below the minimum of subsistence. This would have been the case with the plebeians at Rome, if the revisal of the census at intervals had not enabled them to correct their returns, if their necessities had compelled them to part with a portion of the property which they had registered in the previous census. But even thus, the severity of the law of debt in early times, before the passing of the Pætelian law, reduced the plebeians in many cases in the short space of time that elapsed between one census and another, to a state of wretchedness almost equal to that so eloquently described by Turgot in his correspondence whilst intendant of the Limousin. When the vectigal, to which the patricians were liable for their possessions in the state lands, was not exacted or not paid, their order stood in a similar privileged footing to that of the metayer landlords in France; in whom the 'illusions of self-interest ill understood were not dissipated till the imposition, which had entirely ruined the cultivators, had fallen back wholly upon themselves.'

## APPENDIX D d. p. 264.

## ON THE PAY OF THE ROMAN SOLDIERS.

On a comparison of the pay of the Roman and Grecian armies, the latter seem decidedly to have served on more favourable terms. The amount of the ordinary pay of the infantry soldier amongst the Romans, as we are informed by Polybius, was two oboli, from which deductions were made for provisions, clothing, and arms. It seems to have remained at the same fixed sum from its earliest institution to the time of Julius Cæsar, who doubled it. This may be accounted for on the supposition that the copper coinage was only diminished in weight proportionally as the value of the metal rose in the market. In Greece Pericles was the first to introduce the payment of the citizens who served as soldiers, and as the hoplites were raised from a class amongst the Greeks superior in relative political importance to the plebs at Rome, it might reasonably be expected that the rate of their pay should be higher. Their payment was made up partly of wages, and partly of an allowance for provisions. This circumstance causes some slight confusion, as we cannot always ascertain whether the allowance for provisions is included or not in the sum specified as the amount of their pay. At the commencement of the Peloponnesian war we find the Athenian soldiers receiving about a drachma a day; this included without doubt the provision-money, which Böckh thinks was rated at three oboli, the half. In the course of the war the average rate seems to have been four oboli, to which Colonel Leake conceives that an allowance of corn was added, as in the Sicilian expedition the rate of pay was a drachma for every description of troops. The pay however of the Athenian city guard was three oboli, and it might be conjectured from this,

that the allowance for provisions depended in some respect on the nature of the service, and might be a variable sum. After the battle of Mantinea the Spartans seem to have paid their hired troops at the rate of five oboli a day, including the provision-money. In the time of Demosthenes the fixed sum for the *σισυπέρσιον* was two oboli, and the wages in money amounted to an equal sum. This diminution might be owing to the multitude of adventurous mercenaries who were anxious to serve, and to the wealthy citizens who would have required higher pay, being no longer accustomed to take the field.

In any of the cases above specified the Greek soldier seems to have served on more favourable terms than the Roman. The Lochagi, like the centurions, had double the pay of the common soldier. At Athens the cavalry received triple the pay of the infantry, the triplex stipendium, as they found their own horses; in some places however the fourfold scale was adopted.

#### APPENDIX E e. p. 272.

##### ON THE NATURE OF THE OFFICE OF THE DICTATOR.

If I may be allowed to hazard a conjecture in explanation of the mystery in which the office of the dictator is involved, as the existence of such a magistracy is totally at variance with the theory of the Roman constitution as established by Servius, I would suggest that it was not a mere difference of name which invested the supreme magistrate with authority to set at nought the Valerian laws, but that the appointment of a dictator was in all cases tantamount to calling out the contingent of the Latin allies. The name itself was of Latin origin, and the twenty-four lictors, who attended on the dictator, seem to have been a symbol,

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as Niebuhr observes, that the two governments were united under one head. Although the dictatorship was at first most probably directed solely towards foreign affairs, it was subsequently turned occasionally to domestic purposes, but in what express manner is seldom explained. Its object, however, on all such occasions was to strengthen the party of the patricians against the plebeians, and to enable the former to control the elections. No means could be better adapted to this end, than the presence of foreign troops beneath the walls of the city. That the succour of the Latins enabled the patricians to make terms with the plebeians at the first secession, may be inferred from the statement in Dionysius, that the Latins agreed to assist the senate in opposing the rebels: and that this obligation of mutual assistance was binding on both nations, seems not improbable from the aid which the Romans sent to the patricians of Ardea, when besieged by its commonalty in 312. On this supposition we can readily understand the reason of the dread, with which the plebeians or the foreign enemies of Rome were seized at the mere nomination of a dictator. It implied an increase, not merely of legal, but also of physical power; the means, as well as the determination to gain the victory.

Of the fifty-three dictatorships which occur in the first ten books of Livy, forty-two were expressly directed towards foreign affairs. In some instances it is stated that the first act of the dictator was to call out the contingents of the Latins and Hernicans, but in the others we are left to conjecture for ourselves, why his army should be more formidable to the enemy, than the united armies of the two consuls, and the reserve, which on great occasions took the field under the command of a proconsul. Of all these occasions there are only three in which it is said that the Latins were the enemy against whom the dictator was to march. The first of these was the dictatorship of T.

Lartius, in 253; but Livy himself, in speaking of this, which was said to have been the earliest instance of such an appointment, candidly confesses, '*nec quo anno, nec quibus consulibus, nec quis primum dictator creatus sit, satis constat.*' Titus Lartius was one of the consuls of that year, and may probably not have filled any other office. Even if such an appointment took place, the enemy against whom it was directed, seems rather to have been the Sabines, as war was declared against them, and Livy states that they were in great alarm; '*eo magis quod propter se creatum crediderant.*' The second occasion was the battle of the lake Regillus, in 255. I need hardly remind the reader, that the account of this battle is entirely poetical. The name of Postumius, as dictator, was probably introduced owing to the surname of Regillensis, which his family bore in common with the Claudii, and which merely intimated their Sabine origin. The annalists forgot that Africanus was the first surname acquired by any Roman from his victories. If there was any battle against the Latins, the Roman commander was probably T. Æbutius, one of the consuls of that year, who figures in the poem as master of the horse.

On the third occasion, in the year 416, it is stated, that Publius the consul was appointed dictator to subdue the rebellion of a part of the Latins, the majority of whom had resumed their alliance with the Romans. The army, however, against which he took the field, seems to have been composed of Sabines, Æquians, and Volscians, and probably his appointment was for the purpose of putting to the test the sincerity of the Latins, who had just submitted, and who were summoned to join the expedition against Pedum. With the exception of these three occasions, the foreign enemies against whom the dictator led his forces, were invariably such as were not improbably objects of hostility to the Latins, as well as to the

Romans. During the great war of 414, and 415, against the Latins, when Rome was in its utmost need, no such officer was appointed, but as soon as a peace was concluded with the Latins, a dictator was appointed to take the field against the Volscians. On one or two occasions indeed we find a dictator appointed, when the Latins were showing symptoms of disaffection. The object here was either to compel them to furnish their quota, and thus to give hostages as it were of their fidelity, or to force them to declare openly their intentions, if they were of a hostile character.

Of the eleven remaining dictatorships, which, from the little which Livy says of them, we might suppose were solely directed to internal affairs, six are stated by him to have been for the sole purpose of holding the comitia. This, however, might have been an accidental duty which devolved on the dictator, if he happened to be in office at the time, as he was the chief magistrate in the state. On each of these six occasions, the republic was engaged in serious wars, and may have needed the assistance of her allies against her foreign enemies, and thus we should have an obvious reason for the appointment of a dictator. If, however, the dictator was nominated for the express purpose of controlling the elections, the presence of the confederate troops would enable him more easily to do so.

On two of the other occasions a dictator was appointed, twice in the same year, to oppose the Licinian laws. On another occasion, the senate was alarmed at the designs of Sp. Mælius, and a dictator was appointed to effect his destruction illegally. On the remaining two occasions, Livy states that the dictator was appointed merely for the purpose of driving the nail in the Capitoline temple. On the first, however, of these, U. C. 392, the dictator, L. Manlius, proceeded to levy an army, '*perinde ac reipublicæ*

gerendæ, ac non solvendæ religione, gratiâ creatus esset :’ so that we may consider that the duty of fixing the nail merely devolved upon him, in consequence of his being in office on the ides of September. On the other occasion, in the year 423, a formidable conspiracy was discovered amongst the Roman matrons to poison all the chief men of the state, and a dictator was appointed ‘clavi figendi causâ.’ The account which Livy gives here, as well as on the former occasion, of the object of driving the nail, is so poetical, that we need not consider his statement as the result of deep investigation. But there is great uncertainty about the events of this year. The names of the consuls vary in the annals ; no other events are mentioned, and the next year, according to Dodwell, is entirely passed over in silence by Livy. In each of the two preceding years a dictator had been appointed in the great alarm of the Romans at a Samnite and a Gallic war, and as peace had not been concluded with the Samnites at the end of the year 422, the alarm may not have entirely subsided, and the confederates may have been again called out in 423. It may be observed, that the dictator was not constitutionally above all law, as he was liable to impeachment on his retiring from office, of which we have several instances ; so that it must not have been the mere prerogative of his office that enabled him to violate the Valerian laws, but most probably an actual increase of strength to the party which had nominated him.

## APPENDIX Ff. p. 282.

## ON THE EMISSARY OF THE ALBAN LAKE.

A very good account of the emissary of the Alban lake is given by Sir William Gell, in his Topography

of Rome and its vicinity. Its dimensions are stated there to be six feet and a half in height, four feet and a half in breadth, and in length 2800 yards. These measurements are somewhat greater than those which we find in Niebuhr. The stratum, through which it is cut, is said by Niebuhr to be lava, and by Sir W. Gell to be tufo. Perhaps the observations on which these different statements were founded, were made at the opposite outlets of the emissary, as the Alban hill is composed of lava, peperino, and tufo, the uppermost stratum being generally compact lava, whilst beyond the peperino the foot of the mountain consists on almost every side of accumulations of scorïæ. According to the opinion of Mr. Laing Meason, an accurate observer, who had been long practised in sinking mines in Scotland, and who accompanied Sir. W. Gell in his examination of the specus, it seems scarcely possible, that so great a work could have been completed in less than eight years, and probably in not less than ten, as not more than four workmen could be disposed of in any manner at one time in the cavity, and the rock appears, from the marks upon it, to have been all cut with a mallet and chisel one inch in breadth. Sir William Gell proposes a very ingenious and probable explanation of the method, by which the water was admitted into the tunnel. He does not adopt Niebuhr's idea, that a thin wall was left between the tunnel and the lake, through which a hole was bored when the tunnel was complete; but judging from the appearance of the rock immediately above the emissary, which seems to have been designedly cut into a perpendicular precipice, he suggests an hypothesis of this kind: that when the tunnel was completed, a perpendicular shaft was driven upwards from the extremity of it, opening at the ancient level of the lake, and that the side of this shaft towards the lake was gradually cut down as the water sub-

sided, till it sank to a level with the tunnel. This would leave a precipice like that now seen above the emissary, the top of which would be at the same elevation as the old channel of the Rivas, by which the superabundant waters of the lake found an exit previously to the formation of the tunnel; which is the case, as the course of that channel may still be traced.

THE END.

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